Duquesne University

SURVEY OF
INTERNATIONAL AFFAIRS
1929

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1929

BY

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ASSISTED BY

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Urbem fecisti quod prius orbis erat
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PREFATORY NOTE

IN this volume, as in others of the annual series, certain events which seemed to be of outstanding importance have been picked out and attention has been concentrated on them—with the twofold object of making the best use of a limited space and giving as much coherence as possible to a survey which has to take account of the great and growing variety of international affairs.

The features in the international landscape round which the contents of this volume are grouped are the preparations for the London Five-Power Conference on the Limitation of Naval Armaments; the World Economic Conference; the settlement of the Reparations Question; the international affairs of Tropical Africa; the situation in the Far East; and the settlement of the conflict between the Papacy and the Kingdom of Italy.

The chapters on Naval Armaments and Reparations are each of them the last chapter but one in the stories to which they belong. The negotiation of the treaty establishing an agreed ratio in all categories of naval armament between the British Empire, the United States, and Japan, as well as the final liquidation of the Reparations Question, will be dealt with in the *Survey for 1930*—the year in which these transactions were completed. On the other hand, the present volume completes the story of the evacuation of the occupied territories of Germany; and it also contains the whole history of the dispute between China and the U.S.S.R. over the Chinese Eastern Railway—a dispute which threatened, at certain moments, to disturb the peace of the world.

As for the relations between the Papacy and the Kingdom of Italy, the settlement of 1929, which terminated a long-standing dispute over matters of territorial sovereignty and conflicting jurisdiction, seemed to indicate the possibility of a new conflict on the battlefield of education. The World Economic Conference, again, did more to explore the problems of the future than to solve those of the present. These subjects, and indeed most of the subjects covered by Parts IB

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and V of this volume, are likely to demand further and fuller treatment in the future.

Hitherto, international relations have usually meant in practice 'relations between states'; and this interpretation has been followed somewhat strictly in previous volumes of this *Survey*—partly from considerations of space but also principally because, in the aftermath of the General War of 1914–18, inter-state relations littered the ground in such quantities as to bury international relations of other kinds.

In 1930, however, the appearance of the international landscape is no longer the same as it was in 1920—the year from which this *Survey* begins. Political affairs have lost their monopoly of interest and importance; and economic and cultural affairs have begun to assert themselves. The political associations called states are finding themselves compelled to take increasing account of economic associations such as 'big businesses' and labour internationals and of religious and linguistic associations such as Churches and minorities.

In view of this tendency, the Council of the Royal Institute have decided to extend the scope of the *Survey* by including economic chapters, and this decision has already been put into effect in the present volume.

In this new departure, the writer of the *Survey* has needed, and received, reinforcement. The chapter dealing with international conferences on economic co-operation has been written by Dr. C. R. S. Harris; the chapter on the settlement of the Reparations Question by Mr. R. J. Stopford and Mr. J. Menken in collaboration. The Council take this opportunity of thanking these gentlemen for their work and drawing the reader's attention to the increase in the value of the *Survey* which may be hoped for from this enlargement of its field.

It may be added that there is no intention to confine the economic chapters in future volumes to transactions in which Governments were the parties. When the history of the Reparations Question is completed in the *Survey for 1930*, there will still be some room in that volume—and, it is to be hoped, more room in future volumes—for dealing with international economic transactions in which the parties

are not the sixty or seventy Governments of the contemporary world but the hundreds of millions of private individuals. At this time of world-wide economic crisis, it is unnecessary to insist upon the public interest and importance of international economic transactions of this latter kind.

F. G. KENYON,

September 1930.

Chairman of Publications Committee,
Royal Institute of International Affairs.

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PART I

WORLD AFFAIRS

A. DISARMAMENT AND SECURITY

(i) Introduction.

In the year 1929 a new impetus was at work in the international movement towards disarmament and security.

The movement towards this double goal was an outcome of the General War of 1914–18; for, although there had been 'peace-movements' before that great catastrophe, the new movement was distinguished from these by its vastly greater earnestness and perseverance. No nation had the heart, and no Government the face, to oppose it avowedly; and the alternative before Mankind, if it were to fail, was recognized on all sides to be so terrible that none dared to contemplate it [1]—with the salutary consequence that no one had the courage to despair of the movement in the dark hours when its energy flagged or its path was obstructed by obstacles.

The impetus of 1929 was a recoil from one of these set-backs, and this recoil was not unique. In the perspective of the twelfth year after the signature of the Armistice of the 11th November, 1918, it was possible to discern that the 'post-war' movement towards disarmament and security had a rhythmical 'beat' of successive impetuses—each impetus being followed by a lapse or a check which eventually provoked another effort to recover lost ground and make new progress.

The peak of the first 'wave' was marked by the Armistice itself; and in one sense this was the greatest result achieved yet, since the General War to which the Armistice put an end had not broken out again, though there had been local warfare in Russia, Anatolia, Morocco, Mexico, China and Manchuria, and a virtual state of war at so vital a point of the civilized world as the Ruhr—a state of war which had come and gone without bloodshed only because one of the parties was incapable at the time of taking up arms.[2] The struggle in the Ruhr marked the bottom of the trough into which the movement had been descending since the imposition of the Reparation Chapter of the Versailles Treaty upon Germany and the rejection of the Covenant of the League of Nations by the United States; and out

[1] See, for example, the passage from a speech by Mr. Baldwin, quoted in the *Survey for 1928*, p. 9.

[2] See the *Survey for 1924*, Part II A, Section (ii).

of this trough the second wave of the movement rose in 1924. The crest of this second wave was the acceptance of the Geneva Protocol at the Fifth Session of the Assembly of the League of Nations;[1] and though the crest broke the instant after it had formed, the falling spray gave shape to the Pact of Locarno, while the forward surge carried the Dawes Plan into operation and Germany into membership of the League with a permanent seat on the Council, before it subsided.

Meanwhile, a corresponding movement had been showing itself in the Far East and the Pacific, though with a different 'wave-length' (a natural difference, considering that the Old World, in which the main movement was taking place, had been in the centre of the War while the Far East had been on its outskirts). In the Far East, the first 'trough', corresponding to the War in the West, was represented by a collision between Japan and China—the Japanese 'Twenty-one Demands' and the Shantung clauses of the Treaty of Versailles—and a tension between Japan and the United States. The wave succeeding this trough was marked by the Washington Conference of 1921–2.

In the Washington Conference, the movement in the Pacific and the movement in the West ran together, since the three Great Powers principally concerned in the Far East happened also to be the three Principal Naval Powers of the world. For this reason the solution for the regional problems of the Far East had to be sought at Washington within the framework of a general naval agreement; and this agreement could not be reached without bringing in the two secondary naval Powers, France and Italy.[2]

The coalescence of the two movements became complete before the next trough was reached and transcended. This time the set-back was marked in the Old World by the creeping paralysis which came over the League of Nations Preparatory Commission for the Disarmament Conference,[3] and in the outer world by the more sensational passage of the Oriental Exclusion Clause in the United States Immigration Restriction Act of 1924[4] and failure of the Three-Power Naval Conference which was held at Geneva between the United States, Great Britain, and Japan (France and Italy abstaining) in the summer of 1927.[5] The failure of this Three-Power Conference did not add to the mischief which the Exclusion Clause had done to the

[1] See the *Survey for 1924*, Part II A, Section (v).
[2] See the *Survey for 1920–3*, Part IV, Section (iv).
[3] See the *Survey for 1927*, Part I, Section (ii).
[4] See the *Survey for 1924*, Part I B, Section (ii).
[5] See the *Survey for 1927*, Part I, Section (iv).

relations between the United States and Japan, but it did open a new and disquieting rift between the United States and Great Britain; and this rift was enlarged by the abortive 'Anglo-French Compromise' of 1928.[1]

The next impetus forward was given by the United States when—as if in compensation for her rejection of the Covenant in 1919—she threw herself into the negotiation of the General Treaty for the Renunciation of War which culminated in the signature of this instrument on the 27th August, 1928.[2] Thus a third wave of the movement towards disarmament and security was already rising when the new year came round; and in 1929 the task of international statesmanship was to translate the energy of this impetus into permanent achievements before the impetus abated and allowed the wave to sink once more.

This task devolved mainly upon two men: President Hoover in America and Mr. Ramsay MacDonald in Europe.

It will be seen that the two dates on which Mr. MacDonald came into office in Great Britain—the 22nd January, 1924, and the 5th June, 1929—both coincided with moments at which a recent slackening of pace in the main current of international affairs was just giving, or had just given, way to a fresh increase of momentum. Whether this repeated coincidence was fortuitous might be a debatable question; [3] but there could be no question that the repetition was a fact and that this fact was reflected in an interesting resemblance between the international situations with which Mr. MacDonald found himself confronted on these two occasions.

In 1929, as in 1924, the main obstacle to further advance was a deadlock over one key-problem between Great Britain and one other Power—the key-problem in 1929 being Naval Disarmament instead of German Reparation and the Power the United States instead of France. On both occasions, again, Mr. MacDonald inherited certain assets as well as liabilities from his predecessors. By the time when

[1] See the *Survey for 1928*, Part I A, Section (ii) (*b*).

[2] See *op. cit.*, Part I A, Section (i).

[3] Mr. MacDonald's political opponents at home would no doubt have maintained that the coincidence was fortuitous in both cases—a repeated stroke of good fortune for the British Labour Party and its leader. On the other hand, Mr. MacDonald's supporters would no less certainly have maintained that there was a rational relation between the simultaneous turns of events at home and abroad. They would have argued that, on each occasion, the change of public opinion in Great Britain which brought the Labour Party into power and thereby made Mr. MacDonald the spokesman of his country in international affairs was part and parcel of the forward move which was manifested in other ways at about the same time on the broader international stage.

he took office in 1924 the seeds of the Dawes Plan had already been sown;[1] and again, when he took office in 1929, two notable contributions towards breaking the Anglo-American deadlock over Naval Disarmament had already been made on the American side: 'the Kellogg Pact'[2] and the new departure in policy which was announced on President Hoover's behalf by Mr. Gibson on the 22nd April, 1929, at the sixth session of the Preparatory Commission for the Disarmament Conference.[3] Evidently Mr. MacDonald found the ground better prepared in 1929 than it had been in 1924; and this also appears in connexion with another point of similarity between the two situations. On both occasions Mr. MacDonald was fortunate enough, at the critical moment, to find a congenial and like-minded 'opposite number' in the other great country with which he had to deal; but while in 1924 he had had to wait five months until Monsieur Herriot became President of the Council of French Ministers on the 1st June of that year, in 1929 Mr. Hoover had already been in office three months, since the 4th March, as President of the United States. Thus in 1929 Mr. MacDonald was denied an opportunity of repeating the *tour de force* of his correspondence with Monsieur Poincaré[4]—a correspondence which was perhaps the finest feat of sheer diplomacy (in no derogatory sense of the word) that had been accomplished by any statesman in the field of international affairs since the War.[5] On the other hand, he took over the game this time with decidedly stronger cards in hand than had been bequeathed to him in 1924.

The resemblance which we have been tracing persists when we turn from the situations which Mr. MacDonald found on taking office to the action on which he embarked thereafter. On each occasion he attempted a simultaneous advance on three distinct fronts: he grappled with the key-problem of the moment by coming to grips with the main issue between Great Britain and the other key-Power; he sought to make some contribution towards the organization of international security through the League of Nations; and he sought to bring about some improvement in the relations between Great Britain and the U.S.S.R. Under the first head, his conversations in 1929 with General Dawes and President Hoover, which led up to the

[1] See the *Survey for 1924*, Part II A, Section (v).
[2] See the *Survey for 1928*, Part I A, Section (i). [3] See p. 37.
[4] See the *Survey for 1924*, pp. 360–1.
[5] The only feat that might be compared with it was Mr. Hughes's celebrated gesture at the beginning of the Washington Conference of 1921–2. Monsieur Poincaré was, no doubt, beginning at that time to move somewhat towards the left (a symptom of this change of orientation was that, in the spring of 1924, he took Monsieur de Jouvenel into his Cabinet); but this does not detract from the merit of Mr. MacDonald's achievement.

London Five-Power Naval Conference of 1930, corresponded to those conversations with Monsieur Herriot which led up to the London Reparations Conference of 1924. Under the second head, the adhesion of the Government of the United Kingdom and the Governments of the self-governing Dominions and India to the Optional Clause of the Statute of the Permanent Court of International Justice [1] corresponded to the share which Mr. MacDonald and Mr. Henderson had taken in 1924 in the launching of the Geneva Protocol; and under the same head in 1929 there must be placed the support which Mr. MacDonald gave, at the tenth session of the Assembly, to the proposal for amending the Covenant in order to bring it into conformity with the Pact of Paris.[2] Finally, the resumption of diplomatic relations with the U.S.S.R. in 1929 corresponded to the recognition of the Soviet Government in 1924 and to the attempt made in that year to settle the Anglo-Russian debt question.

It will be seen that on the Russian front, and also on the Geneva front, Mr. MacDonald's strategy was less ambitious and his operations less energetic in 1929 than in 1924. To a greater extent than during his former term of office, he concentrated his efforts upon the most immediately urgent of the three problems which he had taken in hand—the naval issue between Great Britain and the United States corresponding on this occasion to the previous Reparations issue between Great Britain and France. Although Mr. MacDonald did not combine the offices of Prime Minister and Foreign Secretary in 1929, as he had done in 1924, nevertheless he took personal charge of the Anglo-American discussions from beginning to end; and in these his personal qualities came out once more, as they had come out in the Anglo-French discussions of 1924. It was true that this time he had no Monsieur Poincaré on whom to demonstrate his powers of persuasion; yet the softening of Monsieur Poincaré's heart by Mr. MacDonald's addresses may not, after all, have been a more remarkable achievement than the captivation of the affections of the American people by the personality of a British Prime Minister. None of Mr. MacDonald's predecessors had ever paid an official visit to the United States during their terms of office; and few of them, perhaps, would have been able to discharge that inherently difficult mission with such unmistakable success.

It may be convenient to conclude this introduction with a brief survey of the several positions and attitudes of the five naval Powers at this time, when a new attempt to solve the general problem of naval disarmament was being put in hand.

[1] See pp. 76–8.

[2] This will be dealt with in a later volume.

The potentially strongest naval Power in the world at this time was the United States. In financial ability to build and maintain the largest fleet of the most expensive units, she far outstripped Great Britain as well as Japan, France, and Italy; and she also had the advantage in geographical position. Her home territory was more compact than any comparable political domain in the contemporary world except that of the U.S.S.R.; it was in immediate proximity to her sources of tropical supply in Latin America; it was separated from the Old World and from the Far East by the breadths of the Atlantic and Pacific Oceans—expanses of water which, even in an age of rapidly improving communications, still served as moats for an island fortress which were at least as effective for defence as the Channel had been a century earlier. At the same time, her two seaboards on those two oceans, now linked by the Panama Canal, gave the United States the interior lines on a naval strategic map which had come to be co-extensive with the entire navigable sea-surface of the globe. These geographical advantages more than outweighed any which the British Empire might derive from being scattered all over the world, and abundantly offset the British superiority in naval bases—even on the unfounded assumption that the United States would be unable to acquire distant bases for herself if she set her mind to it.[1] In such circumstances, great nations, like the heroes of ancient Greek tragedy, had been apt to lose their heads and incur 'the Envy of the Gods' by aspiring to omnipotence. Imperial Germany, who had been the last to take this path, was only one of a long line of 'Powers' who, by falling into aberration, had brought calamity upon themselves and their neighbours. The prosperity of the United States since the General War of 1914–18 might have been expected *a priori* to have the same psychological effect upon the minds of the American people as the prosperity of the German Empire had had upon the minds of the German people after the Franco-German War of 1870–1. During these years, American finance and industry had been making foreign conquests—in Canada, in Latin America, in the Far East, and last, but not least, in Europe—which already dwarfed the similar conquests made by Germany during the half-century

[1] In a certain specified area of the Pacific the United States, together with the other parties to the Washington Five-Power Treaty, was debarred, by the self-denying ordinance contained in Article 19 of that instrument, from improving or adding to the naval bases which she possessed in that area at the time when that treaty was made. But in other quarters there was nothing to prevent her from acquiring new bases far afield—e.g. in Liberia, where a naval base would give her a command over the South Atlantic comparable to the command over the Western Mediterranean which France enjoyed through possessing Biserta as well as Toulon.

ending in 1914; and the policy of von Tirpitz was now adopted in the United States by a 'big navy' group who wished to translate American economic supremacy into naval terms. Yet the people of the United States, though not altogether free from the idolatrous kind of patriotism, showed no disposition to lose their heads in the traditional way. Their temper at the time, so far as it could be correctly interpreted by foreign observers, seemed far more like the temper of the British people after 1815. In naval affairs the United States now, like Great Britain then, had a large but definite and limited aim. During the interval between the two General Wars of 1792–1815 and 1914–18, Great Britain, while foregoing military power on land, had insisted upon maintaining a naval supremacy over all other naval Powers combined. In the period following 1918 such a claim, if it had been made by the United States, with her compact territory and self-sufficiency in food supply, would have been virtually a warning of aggressive intentions. Accordingly, the Government and people of the United States (in contrast to the 'big navy' group) had limited themselves to the lesser though still considerable claim of parity with the strongest other naval Power of the day; and this was a claim which they were unwilling to abate. The Cruiser Bill of the 14th November, 1927, was an earnest of their intention to make the claim good; but their state of mind was faithfully mirrored by the fact that the expenditure provided for in this Bill was afterwards cut down to little more than one-third of the original figure, and that the Bill thus drastically amended was passed by the Senate concurrently with the multilateral treaty for the renunciation of war as an instrument of national policy.[1]

As for the British Empire, the principle of naval parity with the United States, which had been given effect at the Washington Conference of 1921–2 in regard to the categories of capital ships and aircraft-carriers, had come to be recognized by all sections of British public opinion as applicable to the respective total strengths of the British and American navies. Yet this decision to sacrifice a long-standing postulate of national pride and national security on the morrow of the British navy's triumph in the War of 1914–18, while accepted as right, inevitable, and irrevocable, had not been made without a twinge. It was only human that certain regrets and misgivings should linger in British minds; and these feelings had been one cause of the break-down of the Three-Power Naval Conference of 1927, when a first attempt had been made to apply the formula of

[1] *Survey for 1928*, pp. 27–45. The amended Naval Bill was actually enacted on the 13th February, 1929.

parity to other categories of vessels besides battleships.[1] This did not mean, however, that the British people had any thought of seeking to reverse the decision of principle which had been taken at Washington. Their underlying attitude was revealed by the concern with which the failure of the Three-Power Conference was received and by the spontaneous explosion of anger at the terms of the abortive 'Anglo-French Naval Compromise' of 1928;[2] and it was reflected in the Conservative Government's decision[3] to slow down the execution of the cruiser programme for which the British Delegation at Geneva had contended so doggedly. In fact, it was and remained common ground between all sections of British public opinion that a complete naval understanding with the United States on the basis of parity must be reached at an early date.

Apart, however, from this unanimity on the great single issue of Anglo-American relations, there was a latent division of opinion in Great Britain between two schools of thought—one clinging to the traditional ideals of naval strength and freedom from continental European political entanglements, the other in favour of radical changes of policy in a strategic and political environment in which so many factors had changed beyond recall. This division of opinion was revealed in the controversies over two great engineering enterprises: the Channel Tunnel and the naval base and dockyard at Singapore. The traditionalists opposed the construction of the Channel Tunnel—ostensibly on technical and commercial grounds, but inwardly from the old feeling that it would put an end to Great Britain's jealously guarded insularity. The new school looked kindly upon it, in the belief that the insularity of Great Britain had been destroyed already by the conquest of the air, and that in these circumstances she might as well secure the full benefits of solidarity with the Continent on to which, for good or evil, she now found herself welded. On the other hand, the traditionalists advocated the construction of the Singapore Base, on the ground that it would extend the range of action of the British battle-fleet from the North Atlantic and the Mediterranean to the Indian and Pacific Oceans, while the new school opposed it on the ground that the Singapore Base was bound to be either useless or mischievous—useless if, as seemed probable, battleships were on the verge of becoming an obsolete arm, mischievous otherwise. Their argument was that in this case the construction of the Singapore Base, just outside the prohibited zone of the Washington Five-Power Treaty, could only be interpreted as

[1] *Survey for 1927*, Part I, Section (iv).
[2] *Survey for 1928*, Part I A, Section (ii) (*b*).
[3] *Survey for 1927*, p. 81.

a threatening gesture towards another Power: not, of course, the United States, but Japan. The particular issue over the Singapore Base had already become a question of party politics in Great Britain;[1] but happily this had not happened to the question of naval policy as a whole. Nor had there been any overt collision between a Cabinet and Parliament representing a majority of the electorate and an Admiralty representing a service with which certain deep historic sentiments of the British people were identified.

The third of the three Principal Naval Powers was Japan. She had stood in this position since the Washington Conference, when she had accepted the 6–10–10 ratio in capital ships in exchange for Article 19 of the Five-Power Treaty which, by perpetuating the *status quo* in regard to naval bases over a wide area of the Pacific, had ensured to Japan a local naval supremacy in her own seas. This arrangement fulfilled Japan's essential desideratum that no other naval Power should be able to interrupt her communications in wartime with the adjacent parts of the Asiatic continent and specifically with South Manchuria—a country which, both as a source of supply and as a market, had come to play an indispensable part in Japan's economic life. Accordingly, at this time Japan was perhaps more inclined than any other naval Power to be content with things as they were; and at the Geneva Conference of 1927 this attitude had enabled her to play a dignified and disinterested part.[2] Both then and since then she had agreed with Great Britain in being in favour of proportionate reductions of existing strengths in capital ships, for the burden of being a Great Naval Power was imposing a still greater strain upon Japanese than upon British finances. She was also in favour of extending the principle of agreed limitation to other categories, and in these she considered that she could establish a claim to a higher ratio: 7–10–10 in contrast to the Washington ratio of 6–10–10 for capital ships; but in regard to this claim she was not in an intransigent mood. She disagreed, however, decidedly with both the British Empire and the United States and agreed with the two Continental European Naval Powers in opposing the British demand for the abolition of submarines.

France and Italy were the weakest of the five naval Powers, not merely in present naval strength, but in ability to muster those financial and economic resources on which the maintenance of naval strength must ultimately depend.[3] Yet, paradoxically,

[1] See pp. 59–60, below. [2] *Survey for 1927*, Part I, Section (iv).

[3] Such comparisons of 'the potentials of war' were of course difficult to make. In assessing the ratio of latent naval strength between France and

these two Powers were to all appearance less concerned to secure agreed limitation and reduction of armaments that either the United States, Great Britain, or Japan. Other considerations appeared to carry greater weight with their peoples [1] as well as with their Governments.

There was one set of considerations in which French and Italian opinion substantially agreed. In both France and Italy there were signs of a resentment at the status of naval inferiority which was symbolized in the Washington capital ship ratio of 10–10–6–3.5–3.5; a desire to get rid of this symbol as soon as the Washington Five-Power Treaty expired; a determination not to accept the same ratio for other categories and not to agree to the abolition of submarines; and a nervous hostility towards any symptoms of an Anglo-American naval understanding. These feelings, however, were much stronger in French than in Italian minds—and this on account of a further consideration in which French and Italian views, so far from co-

Japan, for example, it had to be taken into account that, while the national wealth of France was far greater than that of Japan, at the same time French commitments for land warfare were far greater than Japanese, so that France could not look forward to allocating so large a proportion of her total resources as Japan to the maintenance of sea-power. In the French budget for 1929, for instance, provision was made for beginning work on an extremely costly five-years' plan of constructing fortifications on the eastern frontier. Nevertheless, France, while she could not aspire and did not desire to become one of the Principal Naval Powers in addition to maintaining her 'post-war' position as the principal Military Power on the European Continent, was quite strong enough financially to carry out her naval programme envisaging a total tonnage of 721,000 tons, which was mentioned in the Chamber on the 19th December, 1929 (see p. 55 below), and again—not once, but many times—during the London Conference of 1930. It should be added that an increase of the French navy to this size, which it was financially possible for France to achieve, would make it financially impossible for Italy to realize her claim to naval parity with the strongest continental European Naval Power.

[1] The following note on French public opinion was communicated to the writer of this *Survey* by a French correspondent in June 1930:

'To understand French public opinion on naval affairs, it must be realized that the average man has thought very little on the subject. Our attention has been quite alive to problems of territorial defence, and you could probably find a good deal of intelligent popular opinion on arbitration, disarmament, guarantees, peaceful settlement of disputes, the means of preventing war, &c. The navy has been abandoned to specialists. France used to have, some thirty years ago, the second navy in the world. She has dropped to the fourth rank and is satisfied with it. Wouldn't like to drop any farther, especially if her immediate neighbour Italy were to threaten her present position. On the other hand, would like to save money. Public feeling does not analyse very much farther. During the London Conference, there was a noticeable lack of excitement in France, and people had to make an effort to realize that for England and America these things were vital and were the actual measure of their military strength.'

inciding, were in diametrical opposition. For the Italians, the inferiority to which the Washington ratios subjected them *vis-à-vis* the three Principal Naval Powers was more than compensated by the recognition of their right to parity with France in one category; and they were far more concerned to maintain this acquired right, and to extend it to other categories, than to recover a right to parity with the three Principal Powers, which for Italy, if not for France, could never be more than theoretical. This paramount desire for parity with France brought Italy, by an indirect route, into the camp of those who wished to see armaments stabilized at a low level, since Italy was considerably weaker than France in financial and economic resources. The Italian formula had been crystallized in the note of the 6th October, 1928, in which the Italian Government had communicated their observations on the abortive 'Anglo-French Naval Compromise'. In regard to land, naval, and aerial disarmament alike, the Italian Government had stated that they were disposed *a priori* to accept as the limits of their own armaments any figures, however low they might be, provided they were not exceeded by any other European Continental Power.[1] This formula continued to govern Italian policy, not only during the preparations for a new naval conference which were made in 1929, but throughout the Five-Power Conference which eventually met in London in 1930. The formulation of this Italian doctrine brought the conflict of Italian and French aims in the naval sphere to a head; for France was no less determined to refuse Franco-Italian parity in categories other than capital ships [2] than she was to retain the right to parity in these categories *vis-à-vis* Great Britain, the United States, and Japan.

This threat of Franco-Italian naval competition was, of course, a consequence of the political friction between these two Powers, which had become serious since the General War of 1914–18, and especially since the establishment in Italy of the Fascist régime. In these uneasy political relations, it would appear to an outside observer that France had played the more conciliatory part; and in previous volumes of this *Survey* it has been recorded [3] that, on Monsieur Briand's initiative, conversations were started on the 19th March, 1928, at Rome, between the French Ambassador, Monsieur de Beaumarchais, and a representative of the Italian Government. These Franco-Italian conversations were evidently intended to perform the

[1] *Survey for 1928*, pp. 77–8.
[2] France had conceded Franco-Italian parity in capital ships at the Washington Conference of 1921–2.
[3] *Survey for 1927*, p. 146; *Survey for 1928*, pp. 149–51.

same work and produce the same results as the Anglo-French and Anglo-Russian conversations which had paved the way for the Anglo-French and Anglo-Russian understandings of 1904 and 1907. It was hoped that if the points of friction between the two Powers could be defined, handled, and filed down, by patient diplomacy, one by one, their general relations might be permanently improved. These Franco-Italian discussions, after proceeding slowly for a year, were referred in March 1929 to a Mixed Commission in which Monsieur de Beaumarchais and Signor de Michelis were the principals on either side;[1] but unfortunately no positive results were obtained in time to prevent the atmosphere of the previous years from poisoning the naval issue between France and Italy and producing untoward effects.[2] While the French had been displaying a patient temper in the face of somewhat provocative behaviour on the Italian side, they had shown little disposition to meet the Italian point of view, and thereafter the Italian attitude had produced a hardening effect on French minds. This effect now revealed itself in the form of French intransigence towards the Italian demand for naval parity.

One of the grounds on which Italy rested her claim to naval strength was that she alone of the Great Powers of the contemporary world was confined within an inland sea of which the exits and entrances were commanded by foreign navies. The French might have retorted that on this ground Italy ought to claim naval parity, not with the strongest Continental European Power, but with Great Britain, who commanded the Straits of Gibraltar and the Suez Canal. Their usual retort was that the Italian navy had only one sea to cover, whereas France must hold her own not only in the Mediterranean, but in the North Atlantic and the Channel, besides keeping open her lines of communication with her outlying colonies. On this ground, the French maintained the same thesis in regard to the Italian claim to naval parity with France that one school of thought in Great Britain had maintained for a time in regard to the American claim to parity with the British Empire: that parity spelled superiority when it was claimed by one Power against another Power whose unavoidable naval commitments for sheer defence were substantially heavier. In maintaining this thesis, the French were able to put

[1] *Survey for 1928*, p. 151.

[2] The negotiations initiated in March 1929 did not deal with the major questions at issue between France and Italy (notably the status of Italians in Tunisia). They were chiefly concerned with the civil and economic status of Italians in France. These negotiations resulted in the conclusion of sundry agreements, which were reported to be satisfactory from the Italian point of view so far as they went.

forward a strong case, even if the outer seas were left out of account and France as well as Italy were regarded exclusively as a Mediterranean Power. The Italians replied by pointing out that the length of the Italian coast-line was almost double that of the French, and that in wartime, if France would be anxious to command the Western Mediterranean in order to transport her African troops to Europe, Italy would be equally anxious to keep it open for herself in order to call to the colours the Italian emigrants of military age overseas.

In this Franco-Italian controversy over naval parity, as in the political friction out of which it arose, the root of the trouble was to be found in North-West Africa. In a previous volume [1] it has been pointed out that the major part of North-West Africa, and almost all of it that was suitable for European colonization, was in the hands of France, who herself was one of the principal countries of immigration in the world during the years immediately following the War of 1914–18,[2] whereas Italy, who was one of the principal countries of emigration at the time, held no more than the two uninviting provinces of Tripolitania and Benghazi. It has been shown how the bitterness engendered in Italy by this situation envenomed Franco-Italian relations elsewhere—for example, in South-Eastern Europe.[3] In the naval issue, North-West Africa was again the crux.

The fact that France was not beset by the problem of finding outlets overseas for a surplus population in her home territory did not make her value the possession of North-West Africa any the less, or regard Italy's African land-hunger with any the greater indulgence. On the contrary, just because she had not to seek a 'market' for her European 'man-power' in her colonial empire, she was driven to find there a 'source of supply' to make up the deficiency of her 'man-power' at home. Her North-West African troops were an integral part of her military establishment; and it was of the utmost importance to her that no other naval Power should be able to prevent the transport of these French African troops from the southern to the northern shores of the Western Mediterranean in the event of a European War.[4] It will be seen that for France the command in war-time of the Western Mediterranean was as vital as the command of the North-Western Pacific was for Japan.[5] While, however, this

[1] *Survey for 1927*, p. 122. [2] *Survey for 1924*, Part I B, Section (iv).
[3] *Survey for 1927*, pp. 122–3.
[4] The dependence of French military power in Europe upon this sea route partly explains the French insistence upon the thesis that, in all questions of the limitation or reduction of armaments, armaments on land, at sea, and in the air must be regarded as a unity.
[5] The wider significance of North-West Africa for France is well brought out

Japanese vital interest had been effectively secured by Japan at the Washington Conference of 1921–2,[1] an exclusive naval command of The Western Mediterranean was not secured, and never could be secured, to France. Two other Naval Powers, Italy and Great Britain, were permanently established there; and in seeking to make her Mediterranean sea-route safe for the transport of her African troops, France would always have to take the British and Italian navies into account. Of these, the British navy, though much the stronger of the two, did not cause the French serious anxiety. The possibility of France finding Great Britain at war with her was remote; and even if that remote contingency were to become imminent, France might look forward to possessing a sufficient superiority of submarines and aeroplanes in the Channel to give Great Britain pause. The foreign navy whose presence in the Western Mediterranean alarmed the French was the Italian. The French pointed out that Italy's North-African colonies, so far from being an asset in war-time, were a liability, since they required garrisons of Italian troops, instead of having African soldiers to send overseas in order to fight Italy's battles in Europe. If Italy were cut off from Libya, her military strength in Europe would be not diminished but conserved; and accordingly the Italian fleet might devote its energies with an easy mind to attacking the maritime line of communications between North-West Africa and France. The Italians sought to rebut this thesis by arguing that in war-time France would be supported by Jugoslavia and that the islands and fjords of the Dalmatian coast offered a formidable chain of *points d'appui* for naval raids upon the Italian coasts.[2] Thus the Franco-Italian controversy was being carried on without any solution being in sight when in 1929 the general question of naval disarmament came to the fore again.

If France and Italy and North-West Africa had happened to lie in some isolated region like the southern half of South America, the failure of the two Powers to agree upon a basis of naval limitation might have caused no more inconvenience to other Naval Powers than the failure of the 'A B C' States when they discussed a similar problem during the Fifth Pan-American Conference in 1923.[3] Actually, the range of action of the French and Italian navies intimately affected the naval security of Great Britain—the Channel coast of France being closer than any other stretch of continental coast to

in an article entitled 'Great Britain and France in Northern Africa', in *The Round Table*, September 1929.

[1] See p. 9 above.

[2] Italian observers remarked that the first instalment of the fleet which Jugoslavia had begun to build consisted exclusively of submarines.

[3] See the *Survey for 1925*, vol. ii, pp. 408–9.

the British Isles, while the Western Mediterranean was traversed not only by the sea-route between France and North-West Africa, but also by the sea-route between Great Britain and the eastern dominions of the British Empire: India, Malaya, Australia, New Zealand, Hongkong. Already the affection of France for the submarine—'le sous-marin, arme populaire et sympathique aux démocraties' [1]—had been making the British Admiralty and the British public uncomfortable. If there were to be a rapid increase in the strengths of the French and Italian navies in consequence of Franco-Italian naval competition, it would be difficult for Great Britain altogether to avoid being drawn into the race. At any rate, this would be difficult in certain categories; and these were precisely the categories that were now in question between the British Empire, the United States, and Japan. Thus, directly or indirectly, the *impasse* in the matter of parity between the two lesser Naval Powers was a matter of concern and embarrassment to the three greater Naval Powers when, in 1929, they embarked on a fresh attempt to find a complete and general solution for the world-problem of naval disarmament.

This anxiety constantly displayed itself in the Anglo-American interchanges of views which prepared the way for the London Five-Power Conference of 1930; and from beginning to end the British and American statesmen concerned seldom let slip an opportunity of propitiating Latin susceptibilities. 'We both wish to make it clear', Mr. MacDonald and General Dawes declared in their joint statement issued at Forres on the 16th June, 1929, 'that the other Naval Powers are expected to co-operate in [the forthcoming] negotiations, upon the successful consummation of which the peace of the whole world must depend.' 'We did not meet', Mr. MacDonald announced at Lossiemouth two days later, 'to threaten other nations, to dominate other peoples, nor indeed did we meet to form alliances and pacts. We have no intention of presenting to the other nations an accomplished fact [which] they can take or leave'. 'Agreement upon a method of negotiation', General Dawes laid down in addressing an audience in London at the moment when Mr. MacDonald was speaking at Lossiemouth, 'must concern from the very beginning all interested Naval Powers and should have not a partial but a world sanction.' 'Both Governments', Mr. MacDonald affirmed in the House of Commons at Westminster on the 2nd July, during the debate on the Address, 'will seek at once the co-operation of the other Great Naval Powers, especially so soon as the negotiation stage proper has

[1] *Le Temps*, 18th February, 1929.

been reached.' On the 24th July he informed the House that other Naval Powers were duly being kept informed of the trend and results of the conversations with General Dawes through the medium of personal interviews with their Ambassadors in London. 'Both of us', Mr. MacDonald stated on the 29th August, at Lossiemouth, 'are fully aware that no agreement between us two can carry us very far unless other Powers agree; and that conditions all our work.' 'The conversations in which America and ourselves have been engaged,' Mr. MacDonald assured his European colleagues in the tenth session of the Assembly of the League of Nations,[1] 'are in no way directed against anybody, in no sense a conspiracy against anybody . . . What we want is an agreement which, having been achieved, can be the preliminary to the convening of a Five-Power Naval Conference, the other Powers being as free to put in their proposals and we being as free to negotiate with those Powers as if no conversations had taken place between America and ourselves.' At Washington, again, on the 13th September, Mr. Stimson announced that the Japanese, French, and Italian Governments had been kept informed of the Anglo-American conversations, and he declared that the small differences then outstanding between the United States and Great Britain on the naval question were to be dealt with at the Five-Power Conference and would not be settled 'over the breakfast table' between President Hoover and Mr. MacDonald during the British Prime Minister's forthcoming visit to the United States. When the official invitations to attend a Five-Power Conference in London were being sent out by the British Secretary of State for Foreign Affairs, the British Prime Minister personally informed the French, Italian, and Japanese Governments in advance that this was being done. In his parting message, on the eve of sailing for New York, he explained that the Anglo-American discussions were ancillary to a Five-Power Conference which was to assist the work of the League of Nations Preparatory Commission—the final goal being the General Disarmament Conference which was to meet under the auspices of the League. In his address to the Senate at Washington on the 7th October, he repeated his assurance that the Anglo-American discussions were not 'a criminal conspiracy'—not even a 'combination'—and he went out of his way to pay a tribute to the work that had been done for the cause of peace by two Continental European statesmen, Monsieur Briand and Herr Stresemann. In the joint statement issued by Mr. MacDonald and President Hoover on the 9th October, it was mentioned that the progress of their conversations had been reported to

[1] At the third plenary meeting, on the 3rd September, 1929.

the other Governments that had been represented at the Washington Conference of 1921–2. On the 11th October, Mr. Stimson took the trouble pointedly to correct a statement in the press to the effect that Great Britain and the United States had virtually agreed to pool their navies for the maintenance of the peace of the world. On the same date Mr. MacDonald, addressing the Council on Foreign Relations at New York, asseverated—in terms which could not have been more emphatic—that there had never been any idea whatever of an exclusive understanding between Britain and the United States and that there had been nothing discussed which the two Governments would not be happy to see discussed on the same basis with all the Powers in the world. On the 19th October, at Ottawa, he declared that 'the world is not the United States plus ourselves', and added that there was a world outside and that they did not want to impose their will upon it—that was not the way to get peace.

These passages have been cited at some length because of the light which they throw, not only upon the antecedents of the Five-Power Naval Conference of 1930, but upon certain general features in the diplomatic situation since the War of 1914–18. It almost seemed as though, since that catastrophe, the greater and the lesser Powers had exchanged their roles. Formerly, the greater Powers, in their friendly or hostile diplomatic manœuvres with one another, had been apt to ignore the lesser Powers; and the latter had been well content to be ignored so long as they were not molested. Now, however, the greater Powers had begun to take pains to be propitiatory, while the lesser Powers were showing a new inclination to be unaccommodating and even obstructive. In the instance under consideration, for example, the gestures of courtesy and good-will towards France and Italy which were perpetually being made by British and American statesmen were not reciprocated. The French and Italian press, in their comments on Mr. MacDonald's and President Hoover's activities, were constantly critical; and the reception given by the French and Italian Governments to the invitation to attend a Five-Power Conference was markedly cool.

Similarly, when the Preparatory Commission for the Disarmament Conference was seeking an agreed solution for the problem of limiting armaments on land, the lesser Powers—represented in this instance by the United States, Great Britain and Germany—criticized the proposals upon which the greater Powers—represented by France, Italy and Japan—were prepared to agree among themselves.[1]

[1] For the history of these discussions, see Section (ii) of this part of the present volume.

The reasons for the resentment felt by the lesser Powers in either case were neither obscure nor unfounded. In French eyes, the schedule of ratios for the limitation of naval armaments upon which the British and Americans had gradually been approaching agreement—in spite of temporary checks and setbacks—from the time of the Washington Conference of 1921–2 down to the Anglo-American conversations of 1929, presented itself as a naïvely cunning and characteristically 'Anglo-Saxon' scheme for perpetuating, by an international contract binding on all Naval Powers, the enormous naval superiority with which Great Britain and the United States had happened to emerge from the General War of 1914–18. The reiterated assurances of British and American statesmen that they had no intention of prejudicing the deliberations of the forthcoming Five-Power Naval Conference by a bilateral understanding in advance, carried no conviction to French minds, which were soon on guard against what seemed to them a suspicious eagerness to 'protest too much'. In fact, French observers were disposed to discount these assurances as unconvincing attempts to demonstrate that these Anglo-American conversations in 1929 were something different in kind from the abortive 'Anglo-French Compromise' of 1928. This cool and critical attitude jarred upon the susceptibilities of the Americans and the British, whose attention was naturally concentrated upon their own virtue and common sense in accepting parity with one another as a basis for the limitation of naval armaments all round. Seeing themselves in the pleasing light of the two strongest Naval Powers of the day genuinely seeking, not to extract the utmost advantage for themselves out of their naval superiority but to bring about a general limitation and reduction of the very arm in which they excelled, they had little patience with lesser Naval Powers who threatened to impede the grand design by forcing their own lesser ratios up to the highest figures that they could secure; and they were outraged when the lesser Powers retorted to their censure by characterizing the grand design itself as a plan for perpetuating Anglo-American naval preponderance at the cheapest possible price. On the other hand, in the Preparatory Commission for the Disarmament Conference, when it came to the question of limiting armaments on land, the lesser military Powers regarded the French and Italian insistence that, in any schedule of ratios, 'trained reserves' must be left out of account, as a characteristic manifestation of the unconscionable spirit of continental European militarism. For the sake of securing general agreement, however, Great Britain and the United States conceded a principle which seemed to them a mere device for perpetuating

Franco-Italian military supremacy; but the American delegate did not carry the spirit of conciliation to the point of agreeing with the French proposals for indirect limitation of land armaments by means of restrictions on budgetary expenditure (a matter in which the United States felt more practical concern); and a project which seemed in French eyes to be a reasonable compromise between opposite points of view was therefore wrecked by 'Anglo-Saxon' intransigence.

In exchanging outlooks as they exchanged their roles, the peoples and Governments were simply exhibiting their human nature; and it would be the task of some supra-mundane observer to judge, in either case, which of the two outlooks was the more rational and enlightened on the whole. For the human historian, the point of interest was that, in both cases, the lesser Powers were now venturing to assume a role which, under the old dispensation, the weaker states were accustomed to regard as the exclusive prerogative of their superiors. This role was the creation of a 'nuisance-value' for themselves (if it is not blasphemous to impute such human behaviour to those not yet fallen idols: 'Sovereign Powers').

If this imputation may stand, it must be added that the lesser Naval Powers had other encouragements to 'make themselves a nuisance' besides their confidence that the greater Naval Powers 'would not bite'. In particular, they were aware that if they, on their part, chose to show their teeth, that hostile demonstration would be more formidable to the greater Powers under the new conditions than it would have been under those prevailing before the War. Since the War, the greater Powers had not only become absolutely less bellicose; they had also become relatively less strong. For this there were two causes—one political and the other technical.

The political cause was that, in the post-War world of states, the once sharp gradations of power had been breaking down. There were several reasons for this: the reappearance on the political map of an intermediate 'category' (to borrow the naval term) between small states and Great Powers; the increase in the number of fully-self-governing states below the rank of Great Power;[1] and the enhanced effectiveness of the participation of such states in international affairs—owing partly to the new-fangled tameness of the strongest Powers, which relieved the intermediate and minor states of the fear which had formerly restrained them, and partly to the emergence of a new international organization, the League of Nations, which gave the lesser states a platform for taking concerted action and making their numbers tell. To all this there must be added the growing force

[1] See *The World after the Peace Conference,* especially the table on pp. 32–4.

of public opinion as a factor in international affairs—particularly the opinion of the peoples controlling the Governments of those Great Powers whose political constitutions were more or less democratic. It is significant that, during the period of preparation for the Five-Power Naval Conference of 1930, the French emphasized the point (which Mr. Macdonald had been careful to make at the outset) that the final solution of the problem of disarmament was to be approached through the procedure of the League. It was even more significant that during the Conference itself, when French and British statesmen were discussing interpretations of Article 16 of the Covenant *à deux*, the head of the Italian delegation objected on the ground that the Charter of the League ought not to be interpreted privately by two States Members, but only by the Council and Assembly at Geneva.[1]

The technical cause of the decrease in the relative strength of the stronger Powers was a general change which had recently come over the nature of armaments not only at sea but on land and in the air.

Technical changes in armaments naturally reflect the changes in the economic life of the societies which produce them; and, in the modern Western World, the progress of industrialism since the latter part of the eighteenth century down to the outbreak of the General War of 1914–18 had been accompanied by a steady increase in the size, complexity, and cost of the standard units in every arm. The most impressive and characteristic example of this tendency was the change in type of the 'capital ship' from the wooden sailing-vessel which had been the standard not only in 1805 and in 1815, but as late as the Crimean War, to the steel-built armoured super-dreadnought driven by mechanical power; and this example illustrates the political result which the technical change brought about: it limited the possession of effective armaments to a progressively narrower circle of Powers. The wooden sailing-ship of the line was a unit of which even the smallest and poorest state of the time might aspire to possess an effective squadron, whereas the battle-fleet of the standard prevailing in 1914 was something beyond the means of four out of the eight then existing Great Powers. From 1914 to 1918 the development of armaments was abnormally accelerated by the necessities and the experiences of a circle of belligerents which widened until it came to include all the leading industrial countries in the world; and by the time of the Armistice the general character of armaments had undergone two profound changes, one of which was inevitable and the other surprising. The inevitable change was that the deadliness and destructiveness of armaments had become vastly greater than before;

[1] This will be dealt with in the *Survey for 1930*.

the surprising change was that the units which had become the key-parts in this perversely improved apparatus of destruction were notably simpler and cheaper than the typical units of the period immediately preceding the War. Thus, while post-war armaments, in their function as engines of destruction, merely accentuated the characteristics of their immediate predecessors, the political effect of these latest changes was the exact reverse of the effect which had followed from the technical developments of the century that had ended in 1914. Politically, the actual—and even more the potential—distribution of armaments between states of different calibre had become more like that of 1814 than like that of 1914 by the year 1929. On the morrow of Jutland, super-dreadnoughts and battle-cruisers seemed to have no more future than the *Victory* had had on the morrow of Trafalgar or Mark Antony's gigantic flagship on the morrow of Actium.[1] The future lay with 'light cruisers' of the Washington 10,000-ton class, with 'pocket battleships' like the *Ersatz-Preussen*,[2] with torpedo-boat destroyers and submarines and aeroplanes and chemicals. Such weapons were as much within the reach of small states as the frigates and galleys of earlier ages. Indeed, aeroplanes and chemicals were ready to the hand of states which were technically disarmed.

In one sense, the twofold character of this recent change in the nature of armaments was salutary; for the tyranny of the greater Powers over Mankind might have become intolerable if the deadliness of armaments had increased as formidably as it had done without the monopoly passing out of these few Powers' hands. It was also salutary that the new-found virtue of the greater Powers should be stimulated by prudential considerations. Yet an inclination among the greater Powers to disarm would be of little avail for securing peace to Mankind if the lesser Powers were encouraged by the new situation to cherish the vices which the greater Powers were struggling to discard; and this was the anxiety at the back of the minds of British and American statesmen during the discussions over naval disarmament in 1929.

[1] The precedent from ancient history was of good augury. In the ancient world, during the four centuries preceding the battle of Actium, the complexity and cost of warships had steadily increased in a series of waves which had more and more exhausted the energies and weakened the fabric of society. After Actium there was an abrupt change in the reverse direction—from the stupendous multireme to the light Liburnian galley. There was also an abrupt change from a state of perpetual war to the Pax Romana, under which the entire Mediterranean was policed by two insignificant squadrons of cruisers, one based on Ravenna and the other on Misenum.

[2] See pp. 60–3 below.

(ii) The Work of the Preparatory Commission for the Disarmament Conference (1929).

In the *Survey for 1928*,[1] the work of the Preparatory Commission for the Disarmament Conference is recorded down to September 1928, when the Assembly of the League of Nations adopted a resolution in which it expressed the hope that 'Governments among which differences of opinion still subsist as to the conditions for the reduction and limitation of armaments will seek . . . agreed solutions which will enable the work of the Preparatory Commission to be brought to a successful issue'. At the same time, the Assembly instructed the President of the Commission 'to keep in contact with the Governments concerned so that he may be apprised of the progress of their negotiations and may be able to convene the Commission at the end of the present year, or, in any case, at the beginning of 1929'.

For some twelve months before the adoption of this resolution on the 22nd September, 1928, the Governments of France and of Great Britain had actually been attempting to find an 'agreed solution' of one of the principal difficulties encountered by the Preparatory Commission—that of determining by what method naval tonnage was to be reckoned for the purposes of limitation. On the 28th September, 1928, however, six days after the Assembly resolution was adopted, the 'Anglo-French Compromise' which was the outcome of these private negotiations received its death-blow.[2] On that day, the Government at Washington informed the Governments in Paris and London that the arrangements proposed were not acceptable to the United States; but they indicated that they would be prepared to give sympathetic consideration to suggestions for the limitation of naval tonnage on the lines of the compromise or 'transactional proposition' which had been put forward by France during the third session of the Preparatory Commission in April 1927, but which had then failed to meet with British approval.[3]

The hint thus thrown out was not acted on at once, nor did there

[1] Part I A, Section (ii) (*a*).

[2] For the history of the 'Anglo-French Compromise' and for the reasons which made it unacceptable to the United States and to public opinion in Great Britain and other countries, see *op. cit.*, Part I A, Section (ii) (*b*).

[3] See the *Survey for 1927*, p. 16. Under this proposal, the basis of limitation would be tonnage by categories and not 'global' tonnage, but any Power would be able to transfer a certain percentage of tonnage from one category to another, provided that it did not exceed its total tonnage allocation and that it gave due notice of any proposed change in the allocation as between categories.

appear to be any immediate prospect that an 'agreed solution' would be found for the naval problems which directly concerned the United States and Great Britain and which had caused the break-down of the Three-Power Naval Conference at Geneva in the summer of 1927.[1] The President of the Preparatory Commission, Monsieur Loudon (Netherlands), was reluctant to call another meeting until the Naval Powers had come to an agreement among themselves on the points which had caused a deadlock in the Commission; and he did, in fact, postpone the sixth session for as long a time as was possible without contravening the terms of the Assembly's resolution, in spite of the pressure which was put upon him, especially by the Government of the Soviet Union, to take earlier action. At the Commission's fifth session, in April 1928, the Russian representative, Monsieur Litvinov, had submitted a draft convention for universal disarmament by stages,[2] and consideration of this draft had been postponed until the next meeting.[3] In two notes,[4] of the 20th August and the 6th December, 1928, the Soviet Government urged that the sixth session of the Preparatory Commission should be held as speedily as possible and that the Russian draft convention should be taken as the basis of its work. On the 29th December, in reply to the second of these communications, Monsieur Loudon informed Monsieur Litvinov that he had come to the conclusion that the next session could not usefully be held before April 1929 and that he was summoning the delegates to meet on the 15th of that month.

In view of their past experiences, the majority of the delegates from twenty-five countries who assembled at Geneva in April 1929 appear to have had little hope that their labours would be fruitful. When Monsieur Loudon opened the session, on the 15th April, he announced that the negotiations between Governments, with which the League Assembly had instructed him to keep in touch, had not yet resulted in 'agreed solutions', and that no attempt would therefore be made, at this meeting, to frame the final text of a convention on the limitation of armaments in preparation for a Disarmament Conference. Monsieur Loudon pointed out, however, that there were a number of

[1] See the *Survey for 1927*, Part I, Section (iv).

[2] The main principles of the Russian draft were the division of states into three groups, determined by the scale of their armaments, and the proportionate reduction of armaments by the application of a coefficient (50 per cent., 33 per cent., or 25 per cent., according to the category to which states belonged).

[3] See the *Survey for 1928*, Part I A, Section (ii) (*a*).

[4] The texts are printed as annexes to the *Minutes* of the sixth session (first part) of the Preparatory Commission, published by the League of Nations, Geneva, 1929.

questions which had been left outstanding after the first reading of the Commission's draft convention in April 1927,[1] and which needed reconsideration before the second reading was taken, and he mentioned certain specific points which might profitably be examined afresh.

The questions suggested by Monsieur Loudon for discussion naturally did not include naval disarmament. Nevertheless, during the sixth session of the Preparatory Commission the naval question entered upon a new and more hopeful phase. The speech of the 22nd April, in which Mr. Gibson, on behalf of Mr. Hoover's Administration at Washington, suggested a new line of approach to the problems connected with naval disarmament, and the encouraging response to his proposals from the British Government, were the most important events that took place during the sixth session of the Preparatory Commission. Anglo-American relations on naval matters are dealt with elsewhere,[2] and in this place it is only necessary to mention that Mr. Gibson's statement, by indicating a possible way out of the deadlock on naval affairs and opening up a prospect of ultimate agreement, gave a new inducement to the members of the Preparatory Commission to come to terms on the other matters which would fall within the scope of the Disarmament Conference. The Commission, in fact, overstepped the bounds set for it by the President at the opening meeting and adopted certain articles of its draft convention on a second reading.

In addition to its own draft, the Commission had to consider the Russian draft convention; a German proposal, submitted during the fifth session, in March 1928,[3] for the exchange of information regarding armaments in accordance with Article 8 of the Covenant of the League of Nations; a Turkish proposal for fixing a maximum limit for the armed forces of all countries; and a Chinese proposal for the abolition of compulsory military service. The Commission agreed to deal first with the Russian plan and to consider the German, Turkish, and Chinese proposals in connexion with the relevant articles of its own draft convention. The Turkish delegation, however, decided at a later stage to reserve its proposal for submission to the Disarmament Conference.

When the discussion of the Russian draft convention began, on the 17th April, Monsieur Litvinov received very little support for his proposals—the German and Turkish delegates were the only speakers

[1] See the *Survey for 1927*, Part I, Section (ii).
[2] See Section (v) (*a*) and (*b*) of this part of the present volume.
[3] See the *Survey for 1928*, p. 56.

who suggested that the plan deserved serious consideration. The real point at issue was whether the Commission should continue to work on the lines which it had followed hitherto, or whether it should begin again on a new basis; but, while the majority of the delegates were obviously in favour of the former alternative, they were unwilling to take too definite a stand in the matter, for fear of giving the Soviet Government fresh material for propaganda against them. On the 18th April, Monsieur Litvinov submitted a resolution embodying the main principles of his draft convention, and he asked for an expression of opinion on those principles. If it adopted this resolution the Commission would decide:

> (1) to base the draft convention to be proposed to the Disarmament Conference upon the principle of the appreciable reduction of existing armed forces; (2) to embody in the draft convention methods of reducing armaments based upon the proportional principle, or a similar impartial criterion, to be applied equally to all states, with certain deviations in favour of smaller and insufficiently protected states only; (3) to include in the draft convention numerical coefficients for the reduction of armaments.

The discussion on this resolution again revealed little support for the Russian delegation.[1] Monsieur Litvinov was anxious that a vote should be taken, but the unwillingness of the majority of the delegates to commit themselves won the day, and the resolution was referred for consideration to the Bureau of the Commission (that is, the President and Vice-Presidents of the Commission, together with officials of the Disarmament Section of the League of Nations Secretariat). On the 19th April, the Bureau produced an alternative resolution, which declared that the Commission did not see its way 'to adhere to the method of reduction based on the proportional principle', but pointed out that there would be nothing to prevent the Disarmament Conference from taking that principle into account, and suggested that the Russian draft convention should be appended to the report to be submitted by the Commission at the close of its proceedings. This resolution was adopted, against the votes of the Russian and Chinese delegates,[2] and as the President then declared the debate on the Russian proposals to be closed, Monsieur Litvinov was obliged to content himself with distributing a written statement,[3]

[1] The Italian representative, General de Marinis, supported the first principle—that armaments should be appreciably reduced—and the Chinese delegate declared himself in favour of proportional reduction, but no speaker was willing to accept the three principles as a whole.

[2] Turkey abstained from voting.

[3] The text is printed as an annex to the *Minutes* of the Commission's sixth session.

in which he once more attacked the principles and methods adopted by the Commission. He announced, however, that the Russian delegation did not intend to withdraw, lest the 'failure and lack of results of the Preparatory Commission and Disarmament Conference' should be attributed to the Soviet Government's non-participation in their activities. The net result of the discussions thus was that the Russian draft convention had been shelved without a direct breach with the Russian delegation.[1]

On the 20th April the Commission began its re-examination of certain parts of its own draft convention. The first question dealt with was that of chemical warfare. After a lengthy discussion, the Commission decided to maintain the first two paragraphs of the relevant chapter in the 1927 draft, which provided for the prohibition of chemical warfare subject to reciprocity, and for the absolute prohibition of bacteriological methods of warfare; but it deleted paragraphs 3 and 4, which were intended to prevent preparation in peace time for chemical warfare—with the reservation that the discussion on this point might be resumed subsequently. The Commission also adopted a resolution recommending states which had not yet done so to ratify the protocol on chemical and bacteriological warfare which had been drawn up by a Conference on the Control of the International Trade in Arms, Munitions, and Implements of War in June 1925.[2]

[1] In the opinion of many persons well qualified to judge, the revised Russian proposals which were discussed by the Preparatory Commission in April 1929, unlike the original proposals of November 1928 (see the *Survey for 1928*, p. 53), were by no means completely impracticable, but contained much that was constructive and valuable. Owing to limitations of space, it is impossible to analyse the proposals in detail here; but it may be mentioned that they recognized the principles of 'pooled security' and of collective responsibility for measures to keep the peace at sea, and that they suggested the abolition of all warships of more than a given tonnage and of certain weapons such as tanks and heavy artillery. (In this connexion it may be noted that the Versailles Treaty had imposed upon Germany restrictions very similar to those suggested by the Soviet Government for general application.) The Russian draft convention might perhaps have received more serious consideration from the Preparatory Commission if it had emanated from some other source; and it seemed probable that certain of the proposals—particularly that for the reduction of armaments in a fixed proportion—would ultimately be revived in some form. Since the Russian plan was not actually rejected by the Preparatory Commission, but was referred to the Disarmament Conference, the door remained open for the proposals to be judged on their merits at a later stage.

[2] See the *Survey for 1925*, vol. ii, Part I A, Section (iv). So far the protocol had been ratified only by Austria, Belgium, Egypt, France, Italy, Liberia, Poland, the U.S.S.R. and Venezuela, but during the sixth session of the Preparatory Commission announcements of ratification or intention to ratify were made on behalf of Great Britain, Canada, Australia, the Union of South Africa, New Zealand, the Irish Free State, Germany, Rumania, Jugoslavia, and Turkey.

After a discussion on air armaments, in the course of which a German proposal for the prohibition of bombing by aircraft was rejected by a majority vote,[1] the Commission, on the 26th April, began to consider the limitation of land armaments. The most controversial points here related to trained reserves and to the possibility of imposing a direct limitation on material. The question whether or not trained reserves should be included in the effectives to be limited (which raised the whole question whether military service should be on a compulsory or on a voluntary basis) had been one of the principal bones of contention during the third session of the Commission in the spring of 1927.[2] Japan, France, and other Continental states in which conscription was the rule, had argued that it was impossible to limit the number of trained soldiers in reserve, and that a limitation could only apply to men actually serving with the colours; whereas Great Britain, the United States, Germany, and certain of the northern European states had maintained that any system of limitation which excluded reserves would be of little value. In the course of the negotiations for the abortive 'Anglo-French Compromise', however, the Conservative Government in Great Britain had agreed to withdraw their opposition to the French thesis regarding trained reserves in return for certain French concessions to the British point of view in naval matters, and this had been one of the features of the compromise which had provoked most criticism, especially in Great Britain and in Germany. In France, the view was taken that the abandonment of the 'Anglo-French Compromise' so far as naval matters were concerned did not release the British Government from their pledge in regard to trained reserves; and although Mr. Baldwin's Government had made it clear that they did not consider themselves under any obligation to France in the matter, Lord Cushendun, who was representing Great Britain at the sixth session of the Preparatory Commission, indicated at an early stage of the proceedings that he would not be likely to put difficulties in the way if the Powers principally concerned in the question of land armaments could come to an agreement among themselves on the points at issue. On the 26th April Mr. Gibson explained that the Government of the United States still held, in principle, that trained reserves ought to be included in peace-time effectives, but that he was prepared, in order to avoid a deadlock, to fall into line with the

[1] It may be recalled that, during the General War of 1914–18, this practice had been started by the Germans and that their opponents had then felt some scruple in adopting an innovation which they had denounced as barbarous. The roles were now reversed.

[2] See the *Survey for 1927*, Part I, Section (ii).

countries whose land forces were their chief interest. Lord Cushendun then made an explicit statement to the same effect on behalf of the Conservative Government in Great Britain.

The representatives of the two chief Naval Powers made it clear that their views on the principle involved had undergone no change and that they were simply withdrawing their opposition, on a matter in which their own interest was mainly academic, in the hope of promoting an agreement—a course which implied that, in their view, any agreement for the limitation of land armaments would be better than none. The German delegate, Count Bernstorff, was the leading exponent of the opposite point of view: that a disarmament convention which did not provide for an appreciable reduction of effectives would be of little or no value. Germany had been forced by the Versailles Treaty to abandon conscription in favour of a professional army, and the German Government had always taken the line that the retention of compulsory military service by other continental countries was one of the principal obstacles in the way of effective disarmament. Germany was anxious, however, to do her share in the matter of making concessions, and Count Bernstorff therefore refrained on this occasion from pressing for the abolition of conscription;[1] but he urged that the disarmament convention must take account, in some way, of trained reserves. His suggestion was that reserves might be estimated, for the purposes of the convention, 'not by their numbers but by a scale of military values'. The delegates of the U.S.S.R. and China supported Count Bernstorff in desiring the inclusion of provisions regarding trained reserves; but the majority of the delegates took the opposite view, and on the 27th April the President closed the debate on this point with the statement that 'the limitation of trained reserves cannot be included in the text of the convention'. As was inevitable, the Chinese proposal for the abolition of compulsory military service was also rejected by a majority vote on the 29th April.

On the 2nd May the Commission began to discuss possible ways of limiting material, or the actual armaments which could be used in land warfare. Here again Count Bernstorff argued that the method which had been forcibly applied to Germany—that of direct limitation of material—could and should be generally applied, and he was supported by Monsieur Litvinov and by the representatives of Hol-

[1] The German standpoint on this and other matters had been defined in a memorandum which Count Bernstorff had circulated to members of the Preparatory Commission a few days before the sixth session opened. (The text is printed as an annex to the *Minutes* of the sixth session.)

land and of Sweden. France and certain other countries held that direct limitation could only be effective if it was accompanied by a system of international control; but the idea of control had proved unacceptable, during the third session, in 1927, to the United States and to Great Britain, and a proposal had therefore been evolved for the indirect limitation of material by means of a restriction on budgetary expenditure. At the sixth session the French delegate, Monsieur Massigli, was the principal advocate of this plan of indirect limitation, and he was supported by the representatives of Italy, Japan, and the Little Entente states. The idea of imposing any restrictions on expenditure, however, was strongly opposed by the United States delegate, Mr. Gibson, who suggested instead the even more indirect method of publishing the details of expenditure on armaments. In view of Mr. Gibson's attitude, the French delegation withdrew its proposal,[1] and on the 4th May Monsieur Massigli and Mr. Gibson jointly introduced a resolution by which the Preparatory Commission was asked to note 'that the system of indirect limitation (limitation of the expenditure on material) did not meet with general assent' and to decide 'that the limitation and reduction of material must be sought by means of publicity of expenditure'. This resolution was adopted by twenty-two votes to two. The two dissentients were China and the U.S.S.R. Count Bernstorff abstained from voting and issued a statement dissociating his Government from this part of the Preparatory Commission's work.

On the 6th May it was decided, at the suggestion of Monsieur Sato (Japan), that naval questions arising out of the draft convention should be postponed until the next meeting of the Commission. Mr. Gibson, in his declaration of the 22nd April, had indicated that he was prepared to enter upon a fresh discussion of naval armaments during this session of the Commission, but the general feeling was that the new American proposals could not usefully be considered by the Commission until they had undergone careful examination by the Naval Powers. It was also agreed to postpone consideration of certain other chapters of the draft convention, dealing with the supervision of the execution of the convention, publicity, &c.; and the session accordingly stood adjourned.

Apart from the notable contribution made by Mr. Gibson towards the solution of the naval problem, the principal result of this first

[1] Mr. Gibson had previously made a further concession to French views by agreeing to waive the point that stocks in reserve ought to be included in any limitation of material. As in the case of trained reserves, the U.S. delegation had not changed its opinion on the principle involved, but it was willing to concede the point in order to promote agreement.

part of the Preparatory Commission's sixth session was the adoption, on a second reading, of a number of articles in the Commission's draft convention.[1] To the majority of the delegates this result appeared satisfactory, on the ground that agreement had at length been reached on points which had been the subject of prolonged controversy, and that the prospects for an early summoning of the Disarmament Conference had thereby greatly improved. A minority of the delegates, however, felt that the spirit of conciliation had been carried too far and that the concessions which had been made had led to the sacrifice of principles which went to the very root of the matter. The minority held, in particular, that if the decisions which had been reached regarding trained reserves and the limitation of material were not reversed, the disarmament convention would be practically worthless so far as land armaments were concerned, since the only limitation that it would impose would be on the number of men actually serving with the colours. The dissatisfaction of the minority group was voiced by Count Bernstorff and by Monsieur Litvinov, both of whom publicly disclaimed responsibility for the results achieved by the Preparatory Commission,[2] and pinned their hopes to a change of policy at the Disarmament Conference itself. Count Bernstorff appealed to the Governments concerned to 'try and understand what is required by public opinion' and to give their delegates to the Disarmament Conference 'other instructions than those which have inspired the work of the Commission'.

The representative of Great Britain, at the sixth session of the Preparatory Commission, had adopted a policy similar to that of the United States[3]—namely, that land armaments were a matter in

[1] The articles thus adopted are printed as an annex to the *Minutes* of the sixth session.

[2] It should be noted that it was only in regard to certain sections of the draft convention that the work of the Preparatory Commission at its sixth session could be held to be definitive and to preclude the reopening of discussion at a later meeting, before the Disarmament Conference itself assembled. The chapters of the draft convention relating to naval armaments and to budgetary expenditure and that containing miscellaneous provisions, as well as certain articles of other chapters, were all adjourned to the next meeting of the Commission. For the discussions at the League Assembly in September 1929 regarding the reopening of certain questions which were considered closed by France and other states represented on the Preparatory Commission, see pp. 31–3 below.

[3] The policy of the Hoover Administration in regard to the work of the Preparatory Commission had been outlined on the 5th April by the 'White House spokesman' as follows: 'The United States is not directly concerned with reduction of military forces, since those of this country have already been reduced to the minimum. But we are concerned with naval limitation.' Again, on the 27th April, after Mr. Gibson had agreed to withdraw his oppo-

which British interest was mainly academic and that Great Britain would therefore be able to endorse any agreement which proved acceptable to the Powers more vitally concerned. Shortly after the close of the session, however, the Conservative Government in Great Britain was succeeded by a Labour Government; and when the work of the Preparatory Commission came up for discussion during the tenth session of the League of Nations Assembly, in September 1929, the attitude adopted by the British delegation made it clear that the Labour Government would not be content to follow in their predecessors' footsteps and accept without demur 'Continental' views on land armaments.

The British representative on the Assembly's Third Committee, which dealt with disarmament questions, was Viscount Cecil of Chelwood.[1] A few days after the Assembly opened, Lord Cecil communicated privately to the French and other delegations the text of the following resolution, which he proposed to move in the Third Committee:

> The Assembly, being convinced that a progressive and general reduction of armaments is urgently needed throughout the world, expresses the hope that the Preparatory Commission will finish its labours at the earliest possible moment, and considers that in concluding the draft disarmament convention it should consider how far the following principles have been or ought to be adopted:
>
> 1. The application of the same principles to the reduction and limitation of personnel and material, whether in sea, land, or air forces.
>
> 2. The limitation of the strength of a force either by limiting its numbers, or its period of training,[2] or both.
>
> 3. The limitation of material either directly by enumeration or indirectly by budgetary limitation, or by both methods, and the recognition of a competent international authority to watch and report upon the execution of the treaty.

sition to the continental thesis regarding trained reserves, Mr. Hoover's Secretary of State, Mr. Stimson, declared that 'the United States is not inclined to intrude its own views offensively upon Europe regarding the size of armies'.

[1] Lord Cecil had represented Great Britain on the Preparatory Commission in 1926–7; but he had resigned his post in the Conservative Government in the autumn of 1927, after the break-down of the Three-Power Naval Conference held at Geneva in June–August of that year (see the *Survey for 1927*, pp. 63 and 80–1). Though not a member of the Labour Party, Lord Cecil had been included in the British delegation to the tenth session of the Assembly on account of his special knowledge of problems connected with disarmament.

[2] It may be noted that France had already reduced the period of military training from eighteen months to one year. The law providing for this change had been promulgated on the 31st March, 1928, and the reduced period would take effect from the 1st November, 1930. The change was accompanied, however, by an increase in the number of professional soldiers maintained by France.

The terms of this resolution seem to have given rise to an acute controversy behind the scenes at Geneva, and they were severely criticized in the French press, on the ground that the labours of the Preparatory Commission would never have an end if questions which had been regarded as closed could be reopened whenever a change of Government took place in one of the countries represented on the Commission. It was generally believed that the inclusion of the second point in the resolution ('the limitation of the strength of a force') meant that Lord Cecil intended to throw the question of trained reserves once more into the melting-pot; but Lord Cecil himself, when he moved his resolution in the Third Committee on the 19th September, laid the greatest stress on the desirability of reconsidering the possibilities of limiting material, and only mentioned trained reserves as an additional point which perhaps deserved further study.[1] Lord Cecil's resolution was supported by Count Bernstorff and opposed by the representatives of France, Italy, Japan, and the Netherlands.[2] When the debate was continued on the following day, three more delegates (those from Poland, Jugoslavia, and Rumania) spoke against the motion, while six (those from Norway, Denmark,[3] Hungary, Austria, Sweden, and Canada) supported it. Opinion, therefore, appeared to be fairly equally divided, and it even seemed possible that Lord Cecil might carry his resolution by a small majority if it were put to the vote. On the 21st September, however, Monsieur Politis (Greece) introduced an alternative resolution in the following terms:

> The Assembly, having taken cognizance with interest of the work of the last session of the Preparatory Commission for the Disarmament Conference;
>
> Cordially welcoming the prospect of an early agreement between the Naval Powers with a view to the reduction and limitation of their naval armaments, which agreement may enable the Preparatory Commission

[1] At a later stage (in the plenary session of the Assembly on the 24th September), Lord Cecil declared categorically that it had never been his purpose to raise again the controversy over trained reserves.

[2] i. e. Monsieur Loudon, the President of the Preparatory Commission.

[3] At the time of the Tenth Assembly, the Danish Government were preparing to introduce a Bill providing for practically complete disarmament—that is, for the conversion of the army and navy into a constabulary force or frontier guard and a State Marine, for the demolition of all fortifications and for the abolition of conscription and of the Ministries of War and Marine. This Bill, which was on the same lines as the measure which had been under consideration between 1924 and 1927 (see the *Survey for 1924*, Part I A, Section (vii); the *Survey for 1925*, vol. ii, p. 225), was introduced into the Folketing on the 3rd October, 1929. It was passed by the Lower House, but was rejected by the Upper House, by a small majority.

to secure general agreement on the methods to be adopted for the reduction and limitation of naval armaments;

Taking note of the statements made in the Third Committee with regard to the principles on which, in the opinion of various delegations, the final work of the Preparatory Commission should be based;

Noting that the solution of the disarmament problem can be attained only through mutual concessions by Governments in regard to the proposals they prefer;

Urging, in accordance with its resolution of 1928, the necessity for accomplishing the first step towards the reduction and limitation of armaments with as little delay as possible;

Confidently hopes that the Preparatory Commission will shortly be able to resume the work interrupted at its last session, with a view to framing a preliminary draft convention for the reduction and the limitation of land, sea, and air armaments as soon as possible;

And decides that the minutes of the plenary meetings of the Assembly and of the Third Committee shall be communicated to the Preparatory Commission for any necessary action.

Thereupon Lord Cecil withdrew his resolution, and that of Monsieur Politis was carried unanimously. It was adopted by the Assembly in plenary session on the 24th September.[1]

[1] On the same day, the Assembly adopted a number of other resolutions proposed by the Third Committee and dealing with questions concerning Disarmament and Security which had been under discussion during the past year. In one resolution the Committee on Arbitration and Security, which had not held any meetings between the ninth and tenth sessions of the Assembly, was asked to consider the possibility of drawing up a draft convention on the lines of the model treaty to strengthen the means of preventing war, which had been recommended for consideration by the ninth session of the Assembly (see the *Survey for 1928*, Part I A, Section (iii)). The Committee on Arbitration and Security was also asked to co-operate with the Financial Committee in drawing up a final text of a convention providing for financial assistance to states which might be the victims of aggression. This proposal for financial assistance, which had been put forward originally by the Finnish Government in May 1926, had already been considered by the Committee on Arbitration and Security (see the *Survey for 1928*, pp. 86 and 93), and during the past twelve months the Financial Committee had drawn up a draft convention on the subject; but when this draft was discussed by the Third Committee of the Assembly a number of amendments were submitted, some of them of a political nature, which necessitated further consideration of the whole question.

The Assembly also took cognizance, on the 24th September, of the work of a Special Commission appointed by the Council, which had been attempting to draft the text of a convention dealing with the supervision of the private manufacture of arms and munitions and with publicity of manufacture. The members of this Commission had been unable to agree on certain points, especially on the question whether publicity of manufacture was to apply equally to state arsenals and to privately owned factories, and at its last meeting, in August 1929, the Commission had drawn up a report for the League Council stating the difficulties which it had encountered. Since the question of publicity regarding the manufacture of war-material also came within the scope of the Preparatory Commission, the Assembly suggested that further consideration of the draft convention on the supervision of private arms

Lord Cecil was criticized in some quarters for not having insisted that his original resolution should be put to the vote; but he himself took the view that he had lost nothing essential by acting in a conciliatory manner, since the last paragraph of the Politis resolution gave him what he wanted: it made plain that it would be possible to continue discussion of certain questions concerning land armaments, limitation of expenditure, &c., at the next meeting of the Preparatory Commission.[1] The date of that next meeting, however, still remained uncertain at the end of the year 1929, owing to the fact that it was dependent on the progress of the negotiations regarding naval disarmament which were taking place outside the framework of the Preparatory Commission.[2]

(iii) The Preparations for the London Five-Power Conference on the Limitation of Naval Armaments.

(*a*) The American Initiative.

In previous volumes, the history of the naval problem has been carried down to the rejection of the so-called 'Anglo-French Naval Compromise' in the American note of the 28th September, 1928;[3] the cancellation of two cruisers from the British naval construction programme of 1928, which was announced on the 16th November, 1927;[4] and the enactment in the United States, on the 13th February, 1929, of a Bill for the construction of fifteen cruisers.[5]

At the turn of the years 1928 and 1929, there was still a deadlock in the international endeavours to solve the naval problem; but several suggestions—official and unofficial—for overcoming this deadlock had been put forward from the American side.

For example, on the strength of a desire, expressed by Mr. Baldwin in a public speech on the 13th November, 1928, for more frequent personal discussion between British and American representatives, Mr. Britten, the Chairman of the Naval Affairs Committee of the House of Representatives at Washington, had telegraphed to the British Prime Minister[6] to suggest that the problem of 'applying

manufacture should be postponed until the Preparatory Commission had completed its task, and that the Special Commission should then make a fresh attempt to agree upon the text of a convention.

[1] It may be noted that Count Bernstorff shared Lord Cecil's view that the essential point had been gained.

[2] See Section (iii) of this part of the present volume.

[3] *Survey for 1928*, Part I A, Section (ii) (*b*).

[4] *Survey for 1927*, p. 81.

[5] *Survey for 1928*, Part I A, Section (i) (*d*).

[6] The text of Mr. Britten's telegram was read by the Prime Minister in the House of Commons at Westminster on the 3rd December, 1928, in reply to a parliamentary question.

the principle of equality in sea power between Great Britain and the United States on all ships of war not already covered by the Washington Treaty' should be discussed in the spring of 1929 at a special Anglo-American inter-parliamentary conference. On the 3rd December, 1928, Mr. Baldwin rejected this suggestion, in courteous but unmistakable terms,[1] on the ground that, in his speech of the 13th November, he had been speaking not of the legislatures but of the executives of Governments; that it was the absence of facilities for personal intercourse between Ministers that he had regretted; and that he could not express any further opinion on a suggestion on which, as he understood, the Government of the United States had not been consulted.

There was also a suggestion emanating from Mr. Borah, at this time Chairman of the Foreign Affairs Committee of the Senate, that the President-Elect, Mr. Hoover, when he took office, should call a naval conference in anticipation of the conference which was due to be held in 1931, in virtue of the Washington Agreement of 1922. Mr. Borah's opinion was that this preliminary conference ought to deal—at least in the first instance—not with the technical problem of relative naval strength, but with those underlying problems of national policy and international law which were popularly referred to in the 'slogan' of 'the Freedom of the Seas'.[2] On the 6th February, 1929, the then British Secretary of State for Foreign Affairs, Sir Austen Chamberlain, stated in the House of Commons at Westminster that no approach had been made to him by the United States Government in connexion with this proposal. Throughout the year 1929, Mr. Borah continued to advocate his cherished idea; but in the event the breaking of the deadlock was effected by other means.

Finally, there was the official suggestion which had been put forward, in the concluding paragraph of the United States Government's note of the 28th September, 1928, in the following terms:

> The Government of the United States remains willing to use its best efforts to obtain a basis of further naval limitation satisfactory to all the Naval Powers, including those not represented at the Three-Power Conference at Geneva, and is willing to take into consideration in any conference the special needs of France, Italy, or any other Naval Power for the particular class of vessels deemed by them most suitable for their defence. This could be accomplished by permitting any of the Powers to vary the percentage of tonnage in classes within the total tonnage,

[1] Text of his reply in Hansard, 3rd December, 1928.

[2] This opinion was not shared by Mr. Britten, according to a statement made by the latter in a letter dated the 28th January, 1929, which he addressed to Commander Kenworthy. (*The Manchester Guardian*, 9th February, 1929.)

a certain percentage to be agreed upon. If there was an increase in one class of vessels it should be deducted from the tonnage to be used in other classes. A proposal along these lines made by Great Britain and discussed by the American and British representatives would be sympathetically considered by the United States.

On the 23rd and 28th January, and again on the 6th and 20th February, 1929, Sir Austen Chamberlain was asked in the House of Commons at Westminster whether the British Government proposed to make any response to this suggestion from the Government of the United States. On each occasion Sir Austen Chamberlain's reply was that the whole matter was under consideration by His Majesty's Government, but that for the time being he had no fresh proposals to make. On the 20th February, in particular, he stated explicitly that the Government of which he was a member had no intention of issuing invitations to a conference either on naval armaments or on maritime law; that the American note of the 28th September, 1928, did not contain an invitation to the British Government to summon or to attend a new conference; and that the basis for further negotiations which was suggested in the passage in this note which has been quoted above was one to which the British Government had previously expressed their objection.

Meanwhile, on the 15th February, 1929, Sir Esmé Howard, the British Ambassador in Washington—expressing his personal opinion and not speaking under instructions from his Government—had declared his expectation that before long a further effort would be made to reach an agreement between the Principal Naval Powers for the limitation of naval armaments. In his opinion, the ground had been cleared on the American side by the passage of the Cruiser Bill;[1] and though the general election which was due to take place in Great Britain in the early summer of 1929 might postpone any discussions of this kind for some months longer, the disarmament clauses of the Versailles Treaty made it practically imperative for all signatories of that treaty that further efforts should be made towards the restriction of armaments. For these reasons Sir Esmé Howard expressed the opinion that everything pointed towards an early resumption of negotiations. This personal statement by the British Ambassador at Washington on the 15th February, 1929, drew an official statement next day from the Foreign Office at Whitehall in which it was affirmed that there had been no change in the situation since Sir Austen Chamberlain's statement of the 6th February; and this was reiterated on the 20th, in the House of Commons, by Sir Austen Chamberlain himself.

[1] See the *Survey for 1928*, Part I A, Section (i) (*d*).

Pending the general election in Great Britain, Mr. Baldwin's Government was still in power when Mr. Hoover took office as President of the United States, on the 4th March, 1929; but the somewhat passive, if not negative, attitude of Mr. Baldwin and his colleagues did not deter President Hoover from making a fresh attempt to set things in motion again. Before the end of March the President conferred personally with Mr. Hugh Gibson, the United States Minister in Belgium, who had been the leader of the American delegation at the Geneva Three-Power Naval Conference of 1927 and who was to represent the United States at the forthcoming session (as at previous sessions) of the League of Nations Preparatory Commission for the Disarmament Conference.[1] On the 9th April it was announced that General Dawes—an auspicious name, already associated with the solution of one international problem which had seemed almost insoluble—had accepted an invitation from the President to serve as American Ambassador at the Court of St. James's. Thereafter, at a sitting of the Commission on the 22nd April, 1929, Mr. Gibson made a statement—explicitly on the President's authority—which immediately loosened the deadlock in the international situation.

In this statement,[2] the American delegate threw out certain general ideas and offered certain particular concessions to the desires of other Naval Powers. He declared that, in President Hoover's belief, the general treaty for the renunciation of war as an instrument of national policy offered an unprecedented opportunity—an opportunity which admitted of no postponement—for advancing the cause of disarmament. He submitted that 'limitation' ought to be interpreted as 'reduction'. He announced that his Government 'could not agree to any method which would result in leaving any class of combatant vessels unrestricted'; that their 'eagerness to go to low levels' was 'based upon the fundamental belief that naval needs are relative'; and that they had always felt that the Powers concerned needed, not an exact balance of ships and guns—a balance which could be based only upon the idea of conflict—but a common-sense agreement based on the idea that they were going to be friends and were going to settle their problems by peaceful means. The particular concessions which Mr. Gibson outlined against this background of general principles were as follows. He intimated that, as regarded land armaments, the United States would accept the demand of the Continental European Military Powers that trained

[1] See Section (ii) of this part of the present volume.
[2] The text is printed in *Documents on International Affairs*, 1929.

reserves should be excluded from the account.[1] As regarded naval armaments, he announced that the United States Government were prepared to accept, as a basis of discussion, the 'projet transactionnel' for a compromise between the two competing methods of reckoning tonnage—by totals and by categories—which had been put forward originally at the third session of the Commission by the French.[2] He sought to meet the British point of view by an offer to give consideration to a method of estimating equivalent naval values which would take account of factors other than displacement tonnage alone, and as examples of such factors he mentioned age, unit displacement, and calibre of guns. This last suggestion, of course, reopened the issue on which the Three-Power Naval Conference of 1927 had ultimately broken down.[3]

This last point was promptly taken by the principal British delegate, Lord Cushendun, in a reply to Mr. Gibson's statement which he made at the same sitting; and, on the wider issues raised by Mr. Gibson, he warmly supported the American theses that the international situation had been transformed by the Kellogg Pact, that 'limitation' should spell 'reduction', and that this (notwithstanding the terms of the abortive 'Anglo-French Compromise') should apply without exception to all categories of ships. In conclusion, he declared his belief that Mr. Gibson's statement would have a profound effect upon the course of the Commission's work. Lord Cushendun's reply at Geneva on the 22nd April was endorsed by Sir Austen Chamberlain in the House of Commons at Westminster on the 24th.

In a statement made public on the 7th May, President Hoover declared that he was greatly gratified at the way in which the American proposals, put forward during the sixth session of the Preparatory Commission, had been received. In a speech delivered on the 30th May, he reasserted the principles that, in virtue of the Kellogg Pact, armaments ought to be defensive, relative, and low, and suggested that the practical task immediately confronting the naval Powers was to 'find a rational "yardstick" with which to make reasonable comparisons' between 'their naval units . . . and thus maintain an agreed relativity'. On the 31st May, the President's speech was followed up by a statement from his Secretary of State, Mr. Stimson, drawing attention to the enormity of the sums which naval arma-

[1] For the previous controversy over this point, see the *Survey for 1927*, p. 14. For its subsequent history at the sixth session of the Preparatory Commission, and for the reopening of the question at the tenth session of the Assembly of the League of Nations, see Section (ii) of this part of the present volume.

[2] *Survey for 1927*, p. 15.

[3] *Survey for 1927*, Part I, Section (ii).

ments cost. On the 2nd June, it was made known that, on the President's authority, the naval estimates for the forthcoming financial year,[1] which would normally have been laid before the Budget Bureau in May, and which provided this time for expenditure on the first five vessels of the fifteen authorized in the Cruiser Act of the 13th February, 1929, were being held back [2] in the expectation that an international understanding as to a basis for a naval reduction agreement might be reached soon enough to render it unnecessary to ask Congress for the proposed appropriations.

This was the situation, as between the United States and Great Britain, at the time of the general election in the latter country which resulted in a new Government being formed by Mr. Ramsay MacDonald on the 5th June.

(*b*) The Anglo-American Conversations.

Mr. MacDonald's assumption of office on the 5th June was followed immediately by the renewal of joint Anglo-American endeavours to solve the naval problem. The first development was the emergence into public view of a suggestion that, before the end of the year, the Prime Minister might pay a visit to the United States. According to one account,[3] this suggestion, too, was due to President Hoover's initiative. The President was reported to have conveyed it unofficially and confidentially to Mr. Baldwin before the general election in Great Britain and to have received from him an assurance that he would look upon an invitation to visit the United States with favour. Mr. Baldwin himself, in the course of a generous tribute which he paid to his successor on the 5th November, 1929, in the House of Commons at Westminster, after Mr. MacDonald had visited the United States and returned, stated that he himself had opened the subject very privately with Mr. Houghton, the then Ambassador of the United States, nearly three years before; that 'to go to America as Prime Minister to try personally to improve the relations between that country and this' was one thing which he had always hoped to do; and that it had looked at one time as though it might be his (Mr. Baldwin's) destiny to do it. At any rate, at whatever time

[1] The financial years of the United States Government ran from the 1st July to the 30th June of the calendar year.

[2] There was no inconsistency between the President's action and the action taken by the Department of the Navy on the 15th June, 1929, when tenders and estimates for these five cruisers were invited. The award of contracts for two of these vessels was announced on the 29th June and of contracts for the remaining three on the 3rd July.

[3] *The Manchester Guardian*, 12th June, 1929.

and from whatever quarter the suggestion may have originated, it was Mr. MacDonald's heritage.; and evidently he lost no time in making it clear that he welcomed it warmly. The new American Ambassador, General Dawes, sailed for Europe on the 7th June, 1929, after being personally instructed by President Hoover.

General Dawes landed in England on the 14th June, 1929, presented his letters of credence to the King at Windsor on the 15th, and arrived on the 16th at Forres, in the north of Scotland, where he was met by Mr. MacDonald from Lossiemouth and was escorted by him to a neighbouring country house,[1] where the two statesmen entered into a private conversation on the subject of naval disarmament forthwith. On the 18th they severally developed their common ideas in public speeches—Mr. MacDonald at Lossiemouth, General Dawes in London. The Prime Minister spoke in general terms. The Ambassador outlined a plan of procedure which was to lead up to a new naval conference. He first suggested that the breaking of the deadlock over Reparations, through the formulation and acceptance of 'the Dawes Plan', had been due to the accidental discovery of a fruitful method of co-operation between statesmen and experts, and that the secret of success had proved to be the adjustment of political procedure to the laws of human nature. Applying this touchstone to the possible alternative procedures for making a fresh assault upon the naval problem, he suggested that the method which had succeeded in the one case ought to be modified in being applied to the other. The deadlock over Reparations had been overcome by convening two separate and successive conferences—the first of experts, the second of statesmen. In the forthcoming endeavour to overcome the deadlock over naval disarmament he submitted that the experts —in this case, naval experts—should again be called upon to open the attack. Their contribution should be to produce what President Hoover had called a 'yardstick', that is, a definition of abstract equality for the estimation of the fighting strength of ships. The naval experts of each country, however, should be instructed to produce their 'yardsticks' separately for the information of their respective Governments; and they should not be convened in an international conference at any stage. General Dawes declared frankly 'that from a commission of naval experts of the respective nations, meeting together and called to evolve a final definition of the naval "yardstick",' he 'personally' would 'expect a failure to agree'. He submitted that 'the inevitable compromise between these differing

[1] Logie House, belonging to a friend of Mr. MacDonald's, Sir Alexander Grant.

definitions which' would 'be expressed in the final fixation of the technical "yardstick" should be made by a committee of statesmen'. In the event, the new endeavour to solve the naval problem proceeded more or less on the lines which General Dawes sketched out in advance on this occasion.

The next steps were two further conversations in London—between General Dawes and Mr. Gibson on the 24th June and between these two representatives of the United States and the British Prime Minister on the 25th.

In the King's Speech at the opening of the new Parliament at Westminister on the 2nd July, 1929, the conversations between the Prime Minister and the American Ambassador were mentioned, and it was declared to be the earnest hope of His Majesty's Government in Great Britain to ensure, in co-operation with his Governments in the Dominions, the Government of India, and the Governments of foreign Powers, an early reduction of armaments throughout the world. In the ensuing debate on the Address, Mr. Baldwin took up and warmly advocated the suggestion that the Prime Minister should pay a visit to the United States. In the course of the same debate, Mr. MacDonald explained that the Anglo-American conversations already in progress were 'purely of a preliminary and exploratory character'; that both Governments would 'seek at once the co-operation of the other Great Naval Powers, especially so soon as the negotiation stage proper' had 'been reached';[1] and that they were doing what they were doing in the hope that it would be a contribution to the solution of the problems engaging the attention of the League of Nations Preparatory Commission—in response to the request which the Chairman of that Commission had made on the 15th March, 1928, that such conversations should be held between the Naval Powers.[2] In the House of Commons, on the 24th July, the Prime Minister made this last point again. At the same time he stated specifically that the Anglo-American conversations were intended to lead up to a preliminary conference of the five Washington Treaty Powers; and he expressed the hope that if a provisional agreement between the Naval Powers was followed by a general agreement in the Preparatory Commission on the reduction of all forms of armament ('in accordance with the pledge given by the Allies at Versailles when imposing disarmament on Germany . . . and in pursuance of

[1] For other declarations to the same effect which were made by British and American statesmen in the course of the Anglo-American conversations of 1929, see the introduction to this part of the present volume, pp. 15–17.

[2] *Survey for 1928*, Part I A, Section (ii) (*a*).

the Pact of Peace'), the way might then be open for a definitive General Disarmament Conference.

On this occasion he reported progress in the Anglo-American conversations in the following terms:

> Already the whole field of these differences with the United States has been surveyed, and the two Governments have made a fresh start on their solution. We have agreed upon the principle of parity; we have agreed that, without in any way departing from the conditions of parity, a measure of elasticity can be allowed so as to meet the peace requirements of the two nations. We have determined that we shall not allow technical points to override the great public issues involved in our being able to come to a settlement. And so soon as the rising of this House releases me from its day-to-day work, I propose to make this matter my chief concern until an issue is reached. A visit to the President of the United States is now the subject of conversation so that it may take place when it will be most helpful to promote the cordial relations of our two countries, and in particular advance the ends of disarmament and peace which we hold in common.

On the same occasion the Prime Minister announced that, in continuation of the practice of the preceding Government, he and his colleagues had decided—after a thorough examination of the naval position, and not only as a proof of their own sincerity, but as a duty imposed upon them to guard the expenditure of national money—to suspend all work on two cruisers, to cancel a submarine depot ship, to cancel two contract submarines, and to slow down dockyard work on other naval construction.

This gesture evoked a prompt and effective response on the other side of the Atlantic in the form of a statement on the very next day, the 25th June, by President Hoover. After welcoming Mr. MacDonald's proposal to visit the United States and his declaration of faith in the principle of Anglo-American naval parity, the President referred to the Prime Minister's announcement that the construction of certain items in the current British naval programme was to be suspended. He announced that, in response, the laying down of the keels of the first three vessels which were due to be constructed in pursuance of the United States Cruiser Act of the 13th February, 1929, would be deferred until there had been an opportunity for full consideration of their effect upon the final agreement for parity which the American and British Governments expected to reach.[1]

[1] In some quarters in the United States the President's power to take this step was questioned; but, according to an oral statement given out at the White House on the 26th July, he actually had authority, under the Act of the 13th February, 1929, not only to suspend the laying down of the keels of three 10,000-ton cruisers, but to suspend the execution of the entire programme until 1931.

All this time, the Anglo-American exchange of views was going on in private, and on the 20th August a further report of progress, in the form of a statement for publication in the press, was issued by Mr. MacDonald. The crux, as he stated it, was the problem of

> how to reconcile three positions: American claims for parity, which we admit; British necessities, which have no relation at all with American building, but which are determined by our relations to and responsibilities in the rest of the world; and the desire common to both Governments to reduce armaments.

He added that everything had been under review, and that they were 'up against hard realities, with some valuable agreements of a general character behind them'.

On the 22nd August, it was announced in Washington that Mr. MacDonald was expected to arrive there about the middle of October. Meanwhile, Mr. MacDonald went to Geneva to attend the tenth session of the Assembly of the League of Nations; and he naturally referred to the Anglo-American conversations, among other things, in a speech which he delivered on the 3rd September.

> Our conversations have not yet been concluded, but the agreement has made considerable progress. I do not quite know what form it will take, and I can say nothing at the moment that would in any way hamper President Hoover in his work; but I think we might produce a document that would contain something like twenty points of agreement, a very comprehensive document. We are not out for small things; we are out for an agreement which will establish peace as well as naval ratios. As I have said, the document may consist of some twenty points. It will be a very great pleasure to you—to the League of Nations—to know that, if it should include, say, twenty points, there are only about three of them which are outstanding at the present moment.

The comment on this statement at Geneva which was made 'in official circles' in Washington was that the three points not yet settled 'were the hardest nut to crack'.[1]

[1] In so far as the action of the Administration at Washington may have been susceptible to influence from the day-to-day movement of American public opinion, it may have been a fortunate coincidence that at this juncture public attention was drawn in the United States to the activities, at the Geneva Three-Power Conference of 1927, of a certain Mr. William B. Shearer, a citizen of the United States, who was said to have intrigued, in the lobbies of the Conference, to cause the Conference to miscarry. Mr. Shearer had been retained by the Bethlehem Steel Company as a paid observer, but, according to a letter addressed by the President of the Company to President Hoover (text in *The Times*, 11th September, 1929), they had dispensed with Mr. Shearer's services on discovering that he was a political propagandist. On the 10th September, 1929, the Naval Affairs Committee of the Senate at Washington decided to hold an inquiry into Mr. Shearer's activities in Geneva in 1927; and on the same date President Hoover issued a statement of his opinion that

By this time, it appears to have been definitively conceded on the British side that the United States should possess a larger number of 8-inch-gun cruisers than the British Empire, and on the American side that the British Empire should possess a larger aggregate flotilla of cruisers of all types than the United States. The two parties had still to agree upon their respective total cruiser tonnages and upon the conventional ratio which was to be established between 8-inch-gun cruisers and 6-inch-gun cruisers. Agreement was made certain by the tenor of an American note—telegraphed by Mr. Stimson to General Dawes on the 12th September and presented by the Ambassador to Mr. MacDonald on the same day—which brought the positions of the two Governments so close together that the Prime Minister found himself able to announce, the same evening, that he would sail for America on the 28th. On the 13th September, Mr. Stimson stated that the United States was now ready for a naval conference with the four other Naval Powers, and that the remaining points of difference between the American and British positions were to be 'ironed out' at this conference and not at the intervening personal meeting between President Hoover and Mr. MacDonald. On the 16th September it was announced in London that invitations to a Five-Power Naval Conference would be issued, and that the difference between the British and American positions had been narrowed down to the question whether twenty-one or only eighteen of the American cruisers constituting the eventual establishment which was to be regarded as an embodiment of parity were to be of the 8-inch-gun class.

The United States wished to have twenty-one cruisers of the 8-inch-gun class and an allowance of tonnage in the 6-inch-gun class to make an aggregate of 315,000 tons, to balance a British cruiser force aggregating 339,000 tons which would be composed of fifteen cruisers of the 8-inch-gun class and thirty-five of the 6-inch-gun class. The British Government desired that the number of American cruisers of the 8-inch-gun class should not exceed eighteen, the respective establishments, whatever the exact figures in the final agreement might be, being reached by the 31st December, 1936.

It will be seen that, of the three positions which had to be reconciled according to Mr. MacDonald's exposition of the problem which has been quoted above, Anglo-American parity had been reconciled with British necessities *vis-à-vis* Naval Powers other than the United

a thorough investigation was essential. On the 12th September Mr. Stimson expressed the opinion that the scope of the inquiry ought to be broad enough to cover all 'big navy' propaganda.

States at the expense of the third desideratum: reduction. Not that there had been no contribution towards reduction from the British side. In consequence of a re-examination of the problem, in the light of certain new conditions, which had been undertaken since Mr. MacDonald's Government had come into power, the Admiralty at Whitehall had reduced their total demand for cruisers from seventy—the number upon which the British delegation at Geneva had insisted in 1927—to fifty. This was a notable step.[1] When, however, the levels of tonnage at which the future establishments of the two navies had been approximately fixed were considered from the point of view of the naval programme of the United States, the fact emerged that—so far, at any rate, as cruisers were concerned, on the assumption that twenty-one, and not only eighteen, of the American cruisers were to be of the 8-inch-gun class [2]—the existing programme, so far from being reduced, would actually have to be enlarged. For, though two (not three, as President Hoover hoped) out of the fifteen 10,000-ton 8-inch-gun cruisers authorized on the 13th February, 1929, would be cancelled, this saving would be more than counterbalanced

[1] The grounds on which the Admiralty decided to take this step were made public by the First Lord, Mr. Alexander, in an official statement which he made on the 10th January, 1930, at Sheffield, and repeated, word for word, on the 15th May, 1930, in the House of Commons at Westminster:

> 'With such powerful support for peace we feel justified in looking forward to a period in which armed conflicts need not be expected. The Board of Admiralty, therefore, having regard to all the circumstances of to-day, and especially the Pact of Paris, and improved world political relationships, are prepared to agree to fifty cruisers as the minimum needs of the Empire up to the next date for conference and revision, which we expect will be 1936. I must emphasize that this figure is the lowest that we feel can be fixed to meet even peace conditions in present world circumstances.'

In the course of the same debate in the House of Commons, a statement on the same subject was made by Mr. MacDonald:

> 'On the cruisers there has been a good deal of controversy, in which the Admiralty has been blamed that, instead of seventy, which has been the figure up to now regarded as the minimum for safety, we had fixed upon fifty, made up of fifteen eight-inch-gun cruisers and thirty-five six-inch-gun cruisers. It has been said that that has been done by us under pressure by the United States. That is not the case. Before the United States gave any views at all upon the subject, we were having this subject investigated by our experts. The Admiralty's position has been already declared and I will declare it again, so that there may be no misunderstanding in this matter. The Admiralty's position was that, under international conditions such as they exist to-day, the number of fifty cruisers could be accepted for a strictly limited period, provided always that other Powers met our standard of fifty, and provided that in our number, that is, in our fifty, there is a proper proportion of new construction suitable for extended operations.'

[2] At the London Five-Power Conference of 1930, the American delegation agreed to the British desideratum that the number of 8-inch-gun cruisers in the United States navy should be eighteen and not twenty-one.

by the necessity of constructing five new cruisers of the 6-inch-gun class.

At first sight, it seems a paradox that the poorer of the two countries should have driven the richer into adopting a more extravagant programme of construction than she had previously contemplated; and some North American observers must have been confirmed by this paradox in their view of the Old World as a city of destruction—a tragic or inept place whose inhabitants revealed their economic inefficiency by managing to produce notably less per head than the average production in North America, and their political perversity by insisting upon spending a far higher proportion of their inadequate national incomes than any North Americans desired to spend upon the inevitably unproductive and potentially destructive luxury of armaments. Any clear-sighted and frank-minded European who might be confronted with this indictment at this date would have found himself unable to deny that it was substantially just—except for pointing out that the economic backwardness of the Old World was due to national customs-barriers inherited from the past, and that the political perversity was a symptom not of wantonness but of fear. If, however, this hypothetical European happened to be an inhabitant of Great Britain, he might plead that while his own country could not avoid being intimately affected by the protectionism and the militarism of the Continent off whose coasts the British Isles lay anchored immovably (like a hulk eternally aground), it was not in the British Isles that these European evils had arisen in the past and were being perpetuated now. The necessity which compelled Great Britain to assess her minimum requirements in cruisers at fifty vessels aggregating 339,000 tons was partly determined by the current naval policy of her European neighbours France and Italy.[1]

By the beginning of October 1929 His Britannic Majesty's Government in Great Britain had received notice from all his Governments in his self-governing Dominions of their concurrence in a proposal that the other four Naval Powers should be invited to meet the British Empire in a conference in London in January 1930. On the 7th October a note of invitation (the text of which had been previously agreed upon between the British and American Governments) was delivered by the British Secretary of State for Foreign Affairs to

[1] The British Admiralty had to consider the contingency of the British Empire finding itself at war in European and Far Eastern waters simultaneously, whereas the American and Japanese Admiralties had only to consider the single contingency of war in Far Eastern waters.

the American, Japanese, French, and Italian Ambassadors in London.[1] In this note it was announced that the Anglo-American conversations had now reached a stage at which it was possible to say that there was no point outstanding of such serious importance as to prevent an agreement; that the Kellogg Pact had been regarded as the starting-point of agreement; that, as between the United States and the British Empire as a whole, it had been agreed to adopt the principle of parity in each of the several categories—such parity to be reached by the 31st December, 1936; that it seemed desirable to reconsider the battleship replacement programmes provided for in the Washington Five-Power Treaty, with a view to diminishing the amount of replacement construction implied under that treaty; and that the United States and Great Britain both remained in favour of a total abolition of the submarine, though they recognized that no final settlement on this subject could be reached except in conference with the other Naval Powers. Accordingly, the other Powers were invited to send delegations to meet representatives of Great Britain and the self-governing Dominions of the British Commonwealth in London, at a conference to be opened at the beginning of the third week of January 1930, to consider the categories of warships not covered by the Washington Treaty and to arrange for and deal with questions covered by the second paragraph of Article 21 of that treaty.[2] In the concluding paragraph of the note, the idea of setting up new machinery for dealing with the naval disarmament question was deprecated; and the hope was expressed that, if the proposed conference resulted in an agreement, a text might be elaborated which would facilitate the task of the League of Nations Preparatory Commission and of the subsequent General Disarmament Conference.

The acceptance of this invitation by the American Government was of course a foregone conclusion, since in substance, though not in form, the invitation was a joint act of the American and British Governments. In due course, acceptances were also received from the French, Italian, and Japanese Governments. The terms in which these Governments severally replied are recorded below.[3]

Meanwhile Mr. MacDonald—accompanied by a small party which included no technical advisers on naval affairs—had sailed from Liverpool on the 28th September and landed at New York on the 4th October. After receiving a cordial public welcome in that city, he proceeded at once to Washington and thence on the 5th, in the company of President Hoover, to the President's summer camp on

[1] The text is printed in *Documents on International Affairs, 1929*.
[2] See the *Survey for 1920–23*, p. 509.
[3] See pp. 50–1.

the head waters of the River Rapidan, where the two statesmen conferred in private. Returning to Washington on the 7th, Mr. MacDonald visited and addressed both the House of Representatives and the Senate. On the 9th, on the eve of the British Prime Minister's departure from Washington, he and the President of the United States issued a joint statement [1] in which they declared, among other things, that, at their personal meeting, they had not only reviewed the foregoing Anglo-American conversations, but had also discussed 'some of the more important means by which the moral force of' their 'countries' could 'be exerted for peace'—though 'the part of each of' their 'Governments in the promotion of world peace' would 'be different, as one' would 'never consent to become entangled in European diplomacy and the other' was 'resolved to pursue a policy of active co-operation with its European neighbours'. They also announced that further Anglo-American conversations—on the same lines as those of the summer—were to be started with a view to disposing of certain 'old historical problems', involving 'important technical matters requiring detailed study', which had now become ripe for solution under the new conditions created by the assumption that war between the two Powers had become impossible.[2]

Before returning to England, Mr. MacDonald visited Ottawa and conferred personally with the Canadian Prime Minister, Mr. Mackenzie King.

On the 5th November, 1929, Mr. MacDonald reported upon his visit to the United States and Canada in the House of Commons at Westminster. He warmly acknowledged the support which he had enjoyed, in making his visit to North America, from all parties in Great Britain, and he declared that he had gone out 'not as a party leader but as a national representative'. Referring to the welcome which he had received from the President and the Congress of the United States, he testified that 'they showed the best kind of friendship by the candour with which they raised and discussed questions of delicacy'. In the course of the debate, Mr. Baldwin and Mr. Lloyd George, on behalf of the parties of which they were respectively the leaders, paid tributes to the non-party spirit in which the Prime

[1] Text in *Documents on International Affairs, 1929.*

[2] The problems in question seem to have related partly to the existence of British and Canadian naval bases on the western side of the North Atlantic—at Halifax, Bermuda, Port of Spain (Trinidad), and Kingston (Jamaica)—and partly to the subject of belligerent rights at sea. (See Mr. MacDonald's speech delivered in the House of Commons at Westminster on the 5th November, 1929: 'As regards the question of belligerent rights, no commitments whatever were made beyond a promise that the matter would be considered.')

Minister had conducted his national mission and to the appeal which his personality had made to the people of the United States.

(c) The Attitude of Japan.

From the very beginning of the Anglo-American conversations, the Governments at Westminster and Washington took care to keep the Government at Tokio fully informed of what they were doing. For example, General Dawes called on the Japanese Ambassador in London between his meeting with Mr. MacDonald on the 16th June, 1929, and the delivery of his speech on the 18th; and the British Ambassador and the American *chargé d'affaires* in Tokio paid simultaneous calls on the Japanese Prime Minister, Baron Tanaka. On the 19th July it was announced in Tokio that the Japanese Government were prepared to take part in a conference for the purpose of reduction and not of mere limitation, and were content to leave the British and American Governments to take the initiative in arranging for it. On the 31st July it was reported in Tokio that the Japanese Government had decided to ask for a ratio of 7–10–10 in auxiliary ships, as opposed to the 6–10–10 ratio for capital ships which they had accepted at Washington in 1922, and that they had instructed their Ambassador in London in this sense. The Japanese Minister of Marine appears to have stated this in public on the 5th August. On the 30th September it was reported that a conference of high naval and military authorities had considered and approved the following points which the Minister of Marine had placed before them as a basis for Japanese policy: that Japan should agree to a postponement of battleship replacement while looking forward to some arrangement which would enable her to keep her naval dockyards at work as going concerns; that she should ask for a 'global' 7–10–10 ratio for all auxiliary craft and insist on it for cruisers of the 8-inch-gun class;[1] that she should oppose the abolition of submarines and claim parity in that arm;[2] and that she should press for restrictions upon the conversion of merchantmen into warships in time of war.

[1] This point, as it stood, was ambiguous, since in this class of cruisers the British Empire and the United States had already agreed upon a disparity of numbers as between themselves. The question whether, in 8-inch-gun cruisers, Japan should have 70 per cent. of the American or of the British quota arose during the London Conference of 1930.

[2] This claim to parity in submarines was presumably subject to the demand for a 'global' ratio of 7–10–10 for all auxiliary craft. Since the Japanese were insistent upon an actual ratio of 7–10–10 for cruisers of the 8-inch-gun class, they must have been prepared to offset their claim to parity in submarines by accepting an actual ratio of less than 7–10–10 for the remaining categories of auxiliary craft, e. g. for smaller cruisers and for destroyers.

The Japanese Government's reply to the British Government's invitation of the 7th October, 1929, to attend a Five-Power Conference in London in January 1930, was delivered on the 16th October by the Japanese Ambassador. In this note the Japanese Government, after signifying their 'entire concurrence in the desirability of the proposed conference', strongly urged a continuance, in the meantime, of the informal conversations which had been taking place in London between the Japanese Ambassador and the British Government *pari passu* with the Anglo-American conversations. These Anglo-Japanese conversations duly continued; and about the middle of November they were rumoured to have brought to light a definite difference of opinion between Japan and Great Britain over the figure of total tonnage at which Anglo-American parity was to be stabilized, as well as over the Japanese demand for a 7–10–10 ratio in cruisers of the 8-inch-gun class.

On the 26th November Mr. Wakatsuki, the head of the Japanese delegation which was to attend the London Conference, received his instructions. These were understood to include the several points mentioned already—that is: parity in submarines, the 7–10–10 ratio in 8-inch-gun cruisers, and if possible in the aggregate of all categories of auxiliary craft, and a lowering of the Anglo-American total tonnages. The Japanese delegation was also to propose reductions in the Washington maxima for tonnage and gun-calibres of capital ships and for tonnage of aircraft-carriers, and prolongations of the lives of warships of all categories.

It was wisely arranged that the Japanese delegation should travel to London via Washington in order to have an opportunity for informal preliminary discussions with the American delegation and the American Government on their way. They duly arrived at Washington on the 16th December.

From the foregoing record two facts emerge: first, that some of the differences between the Japanese and the Anglo-American positions were serious and, on the face of them, not easy to reconcile; second, that, throughout the preparations for the London Five-Power Conference, the considerate and conciliatory attitude of the British and American Governments towards the other three Naval Powers met, in Japan, with a response in kind.

(*d*) The Attitudes of France and Italy.

The French and Italian outlooks on the naval problem have been discussed in the introduction to this part of the present volume. It

remains to record here the attitudes and actions of these two Powers during the Anglo-American preparations in 1929 for the London Five-Power Conference of 1930.

While the initiation of the Anglo-American conversations in June 1929 was received in Japan with a courteous reserve, in both France and Italy it evoked expressions of scepticism or hostility which reached their climax in the press of these two countries at the time of Mr. MacDonald's visit to the United States in October.

In France, opposition to one concrete point in the Anglo-American preliminary agreement, namely, the abolition of submarines, was expressed at as early a stage and in as decided a manner as in Japan. The main ground, however, of the marked uneasiness which the French displayed appears to have been a general consideration in the shape of a fear that, if the British Empire and the United States were to agree on parity with one another and Japan were to fall into line with them, France might find herself subjected to pressure from the three Principal Naval Powers to suit their convenience by accepting parity, on some lower scale, between herself and Italy.

Nevertheless, on the 16th October, 1929, the French Government accepted the British invitation to attend a Five-Power Conference in London—pointedly taking note, in their reply, of Mr. Henderson's statement that the purpose of the proposed conference was to facilitate the work of the League of Nations Preparatory Commission and of the forthcoming General Disarmament Conference.

The Italian Government had already accepted the British invitation in a note delivered to the British Ambassador in Rome on the 14th October. In this note, the Italian Government declared that they forbore to restate their views on naval disarmament because they had stated these to the British Government many times already —the last time in a note of the 6th October, 1928. This was, of course, the Italian note in which, apropos of the abortive 'Anglo-French Naval Compromise', Italy had affirmed her claim to naval parity with the strongest Continental European Naval Power.[1]

On the 17th October, 1929, the Italian Ambassador in Paris handed to the French Minister for Foreign Affairs an *aide-mémoire* containing a proposal that Franco-Italian conversations (presumably on the analogy of the Anglo-American conversations) should take place before the Five-Power Conference met. This proposal was promptly accepted by the French Government, and was well received by public opinion in both countries; and on the 19th November the conversa-

[1] *Survey for 1928*, p. 77. This Italian claim had been propounded first at the Washington Conference of 1921–2.

tions duly began in Paris between the Italian Ambassador and Monsieur Briand; but unfortunately, instead of resulting in any measure of agreement, they merely served to throw latent differences of aim and attitude into relief. The Italians maintained their formula with courtesy, but also with insistence; and eventually, on the 4th December, Monsieur Briand appears to have informed Count Manzoni that France could not negotiate on the basis of parity, but only on the basis of respective requirements for defence. It was perhaps significant that, at that moment, the French Senate had before it a technical report [1] in which the proportionate naval requirements for defence of the five Naval Powers were worked out theoretically in the form of index numbers representing a combination of three factors: area of territory, length of coasts, and length of communications. This computation produced the following ratios of requirements: British Empire 10, United States 4·2, France 3, Japan 1·6, Italy 1.[2] If this basis were adopted by the French Government, the French retort to the Italian claim for parity might prove to be a claim for France to be three times as strong as Italy at sea. Indeed, the Italian claim seems to have evoked in French minds the idea of estimating French naval requirements for defence so high—and pitching the scale of French construction programmes accordingly—that Italy would find it financially beyond her ability to compete. At the same time there arose in France, as a possible alternative to the prospect of a Franco-Italian 'race' in naval armaments, the idea of a guarantee pact on the analogy of the Pact of Locarno, in which Italy would be substituted for Germany and the Mediterranean for the Rhine. On the 17th December it was announced in Rome that the Italian formula was still maintained, and a reply to this effect was handed to Monsieur Briand by the Italian Ambassador on the 21st. In this note the Italian Government were reported to have disclaimed any intention of dictating to France what her requirements for defence should be, while announcing once more that Italy would claim as much for herself, whatever figures the French might table. At the same time the Italian Government declared their expectation that, in view of the purpose for which the London Conference had been convened, the French figures would involve a reduction on existing French armaments and not an increase.

This was the end of these Franco-Italian exchanges of views. The unfortunate result was that Franco-Italian relations were now perceptibly worse than they had been at the beginning.

This episode no doubt served to increase the uneasiness with which

[1] This was not an official document. [2] *The Times*, 6th December, 1929.

the forthcoming Five-Power Conference was regarded in France; and this uneasiness received expression in a questionnaire which was presented to members of the French Cabinet by the Naval Committee and the Foreign Affairs Committee of the Chamber with a request that Ministers would appear before the two Committees in joint session to give their answers orally. The terms of the questionnaire indicated a desire that—assuming the London Conference to be merely a preparatory step towards a future General Disarmament Conference at Geneva—its task should be confined to 'seeking for a rational basis of agreement' (as opposed to discussing absolute figures); that this basis should be sought on the lines explored in the technical memorandum mentioned above; that each Power should be left at liberty to divide the total tonnage accruing to it on this basis between categories in whatever proportions it might see fit; and that, before the French delegation went to London, the French Government should make the other Powers acquainted with the guiding principles of the general peace and disarmament policy of the Republic. On the 18th December, the two Committees of the Chamber duly heard statements from the President of the Council, Monsieur Tardieu, and the Minister for Foreign Affairs, Monsieur Briand; and, although Ministers appear to have been uncommunicative on this occasion, the influence upon the French Government's policy of the questionnaire, and of the public feeling behind it, was discernible in a very able memorandum which the French Government circulated to the other four Naval Powers on the 21st December.

In this document [1] it was submitted that the primary task of the London Conference should be to seek agreement 'on principles and methods permitting of the subsequent drafting of a general convention for the limitation of armaments'. With reference to the emphasis which had been laid, in the British note of invitation, upon the efficacy of the Kellogg-Briand Pact, it was submitted that, while the force of public opinion, on which the Pact was based, was very great, the rational application of this force had not yet been organized, and that, though it was undoubtedly a real step towards the preservation of peace, it could not be looked upon as sufficient in its existing state to guarantee the security of nations. 'It was this consideration, no doubt, that prevented the British Government from contemplating the substantial reduction of its naval armaments, and the United States Government from giving up the prompt execution of its latest naval programme.' The fact was then recalled that 'notwithstanding the significance ascribed to the Paris Pact, it was primarily on the

[1] Text in *Documents on International Affairs, 1929.*

Covenant of the League that the French Government, as well as the other Governments belonging to the League, undertook to base the limitation and reduction of their armaments'. More precisely, it was on the basis of Article 8 of the Covenant—a basis which did not imply the *a priori* application of mathematical ratios, and upon which the Preparatory Commission had already based its work—that the French Government intended to proceed. The memorandum then re-stated the established French thesis of the interdependence of armaments on land, at sea, and in the air, and recalled that the defensive naval requirements of France were those of a Power possessing three seaboards in Europe, a colonial empire of 11,000,000 square kilometres and 60,000,000 inhabitants, and a trade amounting to 32,000,000,000 francs. In conclusion, the memorandum declared that the French Government would take fully into account any guarantee of security which might be made and which would give full effect to the undertakings of international solidarity against an aggressor contained in Article 16 of the Covenant.

> Moreover, remembering the beneficial effects produced by the Pacific Treaty on the conclusion of the Washington naval agreements, the French Government considers that in a narrower field, but one in which most of the European fleets are concerned, some progress might be achieved. Communications through the Mediterranean are of an importance for the British Empire which the French Government by no means disregards. They are equally vital for France. Might not an agreement of mutual guarantee and non-aggression be negotiated between the Mediterranean Naval Powers, with which those not represented in London would be associated, and first and foremost a Power like Spain, on the importance of whose naval interests in the Mediterranean emphasis need hardly be laid?

From the French standpoint the argument of this memorandum was reasonable, but for the prospects of the Five-Power Conference it was ominous, since the main points in the French thesis—particularly the high assessment of French naval requirements for defence which was foreshadowed and the intimation that this assessment could only be reduced in exchange for political guarantees from other Powers—were likely to prove unacceptable to some or all of the other parties.

Still more ominous was the naval construction policy which France had been pursuing steadily since the restoration of peace after the General War of 1914–18. During the eight years ending with 1928, an aggregate of 277,400 tons of new warships had been built and authorized in France (as against a comparable Italian figure of 192,000 tons); and the official programme current at the opening of the year 1929 envisaged the completion of 223 vessels—

18 cruisers, 90 destroyers, 67 ocean-going submarines and 48 coastal submarines—before the end of the year 1942.[1]

In a debate in the French Senate in March 1929, which preceded the acceptance by that body of the naval programme for the current year,[2] the speakers betrayed a three-fold anxiety—over the building of the new German 'pocket-battleship',[3] over the Italian claim to parity, and over the British campaign for the abolition of submarines. The *rapporteur* on the estimates submitted that France must maintain naval superiority over Germany in the Atlantic and must lay down ship for ship against Italy in the Mediterranean; and his passing admission that the submarine was ineffective for combat against other warships and was 'by definition an instrument of blockade' was disquieting to British observers.[4] On the 27th September the Finance Committee of the Chamber recommended a reduction of the naval estimates for 1930 from 2,683,000,000 francs to 2,583,000,000 (as compared to the 2,485,000,000 francs which had been the figure for 1929). The *rapporteur* on the naval estimates, Monsieur Dumesnil, in his report which was distributed to the Chamber on the 28th November, pointed out that the French estimates for 1930 (as reduced by the Finance Committee) were lower by 18 per cent. than the estimates for 1914, whereas the ratio of the United States naval estimates for 1930 to those for 1914 was 250 per cent. He further compared the French absolute figure of 2,583,000,000 francs for 1930 with a British figure for the same year which was equivalent to about 7,000,000,000 francs and an American figure equivalent to 10,000,000,000.[5]

In recommending the French naval estimates to the Chamber on the 19th December, Monsieur Dumesnil mentioned that the French naval programme envisaged an ultimate total tonnage of 721,000 tons as compared with a present total of 422,689, but that, even if the programme could be completed by 1936, the French tonnage would remain very inferior to the British, American, and Japanese.

[1] *The Daily Telegraph*, 29th January, 1929.

[2] i. e. the programme of vessels to be laid down between the 1st July, 1928, and the 30th June, 1929.

[3] For the building of 'Panzerschiff A' or *Ersatz-Preussen*, see pp. 60–3 below.

[4] Later in the year 1929, on the 18th November, British discomfort was increased by the launching at Cherbourg of the *Surcouf*, the largest submarine yet launched anywhere in the world, with a length of 393·7 feet and a surface displacement of 3,250 tons.

[5] In the Chamber, on the 19th December, 1929, Monsieur Dumesnil gave the more precise figures of 6,927,000,000 francs for the British estimates, 9,063,000,000 for the American, 2,770,000,000 for the Japanese, 1,639,000,000 for the Italian, and 1,202,000,000 for the German.

The orator won applause by a passing remark that for France to agree to the abolition of submarines would be 'a crime against national defence'; but the principal speech in this debate was not the *rapporteur's* but one delivered by a distinguished Socialist Deputy who, though at that moment in opposition, had frequently represented his country at international conferences: Monsieur Paul-Boncour. In this speech, Monsieur Paul-Boncour supported the estimates on the ground that no effective progress towards disarmament could be made except on the basis of the Geneva Protocol of 1924.[1] On the 23rd December, 1929, the French Chamber passed the naval estimates for 1930 as they had come through the Finance Committee's hands after reinserting a figure of 163,000 francs which the Committee had deducted from the appropriation for naval scientific research. On the 28th December the Chamber voted another law to authorize the laying down, in the year 1930, of the keels of vessels aggregating 48,000 tons as an instalment of the naval construction programme embodied in the law of 1924. These 48,000 tons were divided between one 10,000-ton cruiser, six torpedo-boat-destroyers, six first-class submarines, and one submarine mine-layer.

This was the policy and attitude of France on the eve of the meeting of the Five-Power Naval Conference in London.

Note on the Capper and Porter Resolutions of 1929.

It has been mentioned [2] that throughout the year 1929 Mr. Borah, the Chairman of the Foreign Relations Committee of the Senate at Washington, remained in favour of instituting an international discussion on 'the Freedom of the Seas' (i.e. on the question of the rules of international law at sea in war-time) before making another frontal attack upon the problem of naval armaments. In this, he was merely persisting in a point of view which had been widely prevalent, at any rate in the United States, during the early months of the year before the new move towards an agreement on the reduction of armaments was made by President Hoover and Mr. MacDonald.

In the problem of 'The Freedom of the Seas' the crux, of course, was the difficulty of reconciling the American demand that in war-time neutral commerce should be subject to the minimum amount of restriction with the British plea that the British navy should enjoy the maximum amount of liberty of action if and when it was employed in blockading a Covenant-breaking state in fulfilment of the British Government's obligations under the Covenant, Article 16. The underlying assumptions were that the duty imposed upon all States Members of the League by Article 16 would in practice devolve upon Great Britain, and that in a League war American commerce would be the only neutral commerce over which serious trouble might be expected to arise, partly because American goods would be the only sea-borne supplies of neutral origin which might have an appreciable

[1] See the *Survey for 1924*, Part I A, Section (v). [2] See p. 35 above.

effect in assisting the Covenant-breaker to defy the League, and partly because the United States would be the only state non-member of the League which would be able, in a League blockade, to oppose an effective resistance to the application of maritime law as traditionally interpreted in Great Britain. It was further assumed that the British navy would never again be employed in 'a private war', or at any rate that, if it were so employed, the British Government would then be prepared to waive their traditional view of belligerent rights at sea in deference to the United States, whereas they might feel themselves bound in honour, in a war undertaken in fulfilment of the obligations of the Covenant of the League, to take advantage of all the rights to which they regarded themselves as being legally entitled.

This crux had proved insurmountable so long as the problem of 'the Freedom of the Seas' was discussed in the traditional terms of a situation in which the states of the world would be divided between the two categories of 'belligerents' and 'neutrals'; but after the negotiation, signature, and ratification of the multilateral Pact of Paris the suggestion was made that the conditions under which the crux had proved insoluble had now become obsolete. In future wars, it was argued, the states of the world would be divided not between the two former categories of 'belligerents' and 'neutrals', but between two new categories: namely, states that were violating the Pact and states that were being injured or affronted by a violation of an international engagement to which they were parties. The extent of the injury and affront inflicted upon states in the latter category, and also the energy of the action taken by such states in order to redress the injury, might and probably would vary very greatly according to the particular circumstances of each state in each case as it arose. Nevertheless, the new situation created by the general acceptance of the Pact would leave no place for the role of neutrality. *Ex hypothesi*, one or other belligerent or group of belligerents would be Pact-breakers; and states not actually involved in hostilities or in other coercive measures would share with those belligerents who were not Pact-breakers the status of being injured parties unless they chose to classify themselves as parties to the violation of the Pact by obstructing the efforts of injured parties to place the Pact-breakers under restraint.

From this new standpoint, an effort was made on the American side to eliminate the possibility of a situation arising in future in which the American and the British conceptions of maritime law in war-time might collide with one another. This effort took shape in a pair of resolutions which were introduced simultaneously by Senator Capper in the Senate and by Representative Porter in the House of Representatives at Washington on the 11th February, 1929. Either resolution was prefaced by a long preamble suggesting, on the lines indicated above, the changes in the nature of the problem of international relations in war-time which the Pact of Paris had brought about. The substantive parts of the two resolutions read as follows:

Capper Resolution.

Now, therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled:

That whenever the President determines, and by proclamation

declares, that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by Act of Congress or by proclamation of the President, to export to such country, arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues;

Section 2. It is declared to be the policy of the United States that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of the said treaty;

Section 3. The President is hereby requested to enter into negotiations with other Governments which ratify or adhere to the said treaty to secure agreement that the nationals of the contracting Governments should not be protected by their Governments in giving aid and comfort to a nation which had committed a breach of the said treaty;

Section 4. The policy of the United States as expressed in Section 2 hereof shall apply only in case of a breach of the said treaty by war against a Government which has declared its adherence to a similar policy.

Porter Resolution.

Now, therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that Section 1 of the joint resolution entitled Joint Resolution to prohibit the exportation of arms or munitions of war from the United States to certain countries and for other purposes, of January 31, 1922, be, and hereby is, amended to read as follows:

That whenever the President finds that in any country conditions of domestic violence or of international conflict exist or are threatened, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

These resolutions were referred to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs respectively.

On the 12th February, 1929, it was announced officially on President Coolidge's behalf that the Capper Resolution, as described in the press, appeared to go a little further than the President would think wise. The resolution was opposed by Senator Borah; and Mr. Kellogg, at that time Secretary of State, declared, in giving evidence before the House Committee on the 16th February, 1929, that for the President to determine the aggressor would be an unneutral act.

Any further action along the lines opened up by the Capper and Porter Resolutions was forestalled by the renewal of the attempt to grapple with the problems of peace and war along the lines of an agreed reduction of armaments.

Note on the Suspension of Work on the Naval Base at Singapore.

The construction at Singapore of a naval base in which the largest and heaviest ships of the British navy could be overhauled and repaired was already under consideration at the time of the Washington Conference of 1921–2; and the area within which the construction of new naval bases and the improvement of existing bases was prohibited by Article 19 of the Washington Five-Power Treaty was so drawn as to leave Singapore outside. Thereafter the plans for the base were worked out, as a joint Imperial undertaking, by a consultation between His Britannic Majesty's Governments in Great Britain, Australia and New Zealand, and the Governments of the Straits Settlements, the Federated Malay States and Hongkong; and while Great Britain retained the responsibility both for the financing of the work and for its execution, the Straits Settlements made a free gift of land and three of the other parties concerned promised financial contributions.[1] The first expenditure was incurred—and this entirely by the Exchequer at Westminster—in 1923.[2] When a Labour Government came into office in Great Britain in 1924, it stopped the work; but the succeeding Conservative Government started it again. A floating dock, constructed on the Tyne, was sent out in June 1928 and officially opened at Singapore on the 14th August, 1929; and a contract for the building of a large graving dock, at a cost of approximately £4,000,000, was put up to tender in October 1927 and awarded in the September following. The gross annual expenditure mounted from £62,251 in 1923 and £11,585 in 1924 to £117,675 in 1925, £220,900 in 1926, £970,526 in 1927 and £818,795 in 1928; but out of the total amount of £2,201,732 which had been actually spent by the 31st March, 1929, only £613,732 had been paid by Great Britain, the remaining £1,588,000 being made up of three contributions—£250,000 from New Zealand, £250,000 from Hongkong, and no less than £1,088,000 from the Federated Malay States. The total contributions from these three sources down to the end of the financial year 1929–30 amounted to £2,113,000.[3]

[1] For the conditions under which the gift of land was made by the Straits Settlements and the financial contribution was made by the Federated Malay States, see a statement made on the 27th November, 1929, in the House of Commons at Westminster, by Mr. Alexander, in answer to a parliamentary question.

[2] For a table of gross expenditure, charges on the Navy, Army, and Air Votes of the Parliament at Westminster, and contributions from New Zealand, Hongkong, and the Federated Malay States year by year up to the 31st March, 1929, see a statement presented on the 26th July, 1929, in the House of Commons at Westminster, by the Chancellor of the Exchequer, Mr. Snowden, in answer to a parliamentary question.

[3] Statement made on the 13th November, 1929, in the House of Commons at Westminster by Mr. Alexander in answer to a parliamentary question. On the 20th November, 1929, in the same place, Mr. Alexander stated that the total estimated cost of the truncated scheme for the Singapore Naval Base was £8,700,000, including the cost of the floating dock; that the Dominion and Colonial contributions received and promised (in addition to the gift of the site, which was not included in the figure of £8,700,000) would account for £2,410,000; and that this left an ultimate net charge to Navy Votes of £6,290,000. These figures did not cover expenditure from, or contributions appropriated in aid of, Army and Air funds.

This was the situation which the Labour Party found when they came into power again in 1929; and, after the Five-Power Naval Conference had been arranged, they decided that the work already contracted for at Singapore should be slowed down as much as possible, that all work that could be suspended should be suspended, and that no new work should be embarked on pending the results of the Conference's work.[1] In deciding upon this suspension, it was not thought necessary to consult the Dominion Governments formally; but Mr. MacDonald stated in the House of Commons at Westminster, on the 18th November, 1929, that they would of course be consulted fully before any decisions were taken which would affect the scheme as a whole.

Note on the Ersatz-Preussen ('Panzerschiff A').

In the Peace Treaty of Versailles (Part V, Section II, Articles 181–92), a limitation was placed upon German naval armaments by specifying the categories of ship which Germany might possess, the maximum number of ships which she might possess at any moment in each category, and the maximum tonnage permissible per vessel.[2] The Allied and Associated naval experts who drafted this chapter, and the Allied statesmen who approved its provisions and insisted upon their acceptance by the German Government, all supposed that they were rendering it impossible for Germany, so long as she abode by the treaty, to build up a new navy which would be formidable to France, not to speak of the British Empire, the United States, or Japan. There was, however, one point in the treaty which proved to be an Achilles' heel. Within the limits laid down, Germany was allowed to replace existing vessels, as they became obsolete, at certain specified ages.

Under these conditions, it was natural that German experts should exercise all their ingenuity in producing the most formidable new vessels consistent with fidelity to the treaty-restrictions. In acting thus, they were only acting after their kind; and, *a priori*, it was improbable that their efforts would meet with any sensational success. Yet this improbable contingency was realized, owing to their unforeseen skill, and thereby the German Government and people were confronted with an important political decision. Should they, or should they not, give their naval designers' ingenuity free play? In giving it free play, they, too, would be acting after their kind; for it was only human nature to defeat, by any device which kept within the letter of the bond, the intentions of a treaty, imposed by force, which was harsh throughout and in some chapters vindictive. Human nature, however, is apt to be the antithesis of statesmanship; and the statesmanlike course for Germany to follow, in the general situation in which she found herself in the 'post-war' period, was to further the cause of international disarmament in every possible way. This was the sensible policy for Germany, even on the shortest and nar-

[1] Statement by Mr. Alexander, just cited.

[2] This applied to new vessels which might be constructed to replace the existing vessels that Germany was permitted to retain. These were specified in the treaty by name. Some of them were of greater tonnage than their replacement maximum, but they were old-fashioned in type.

rowest view of her national interest in the circumstances, since she had no prospect of being able to repudiate the treaty and no expectation that, within the framework of the treaty, the utmost ingenuity of her experts would find means of restoring her to the rank of a first-class naval and military power. This sensible policy had been steadily pursued by Herr Stresemann since he first took office as Chancellor, on the 14th August, 1923; and the common sense of the policy was so evident that its bitterest opponents in Germany always proved unable to reverse it whenever it came to a trial of strength between opponents and supporters in German domestic politics. This being so, it must seem—at least in the view of a detached observer—to be an error of judgement for the Germans to act, in the relatively trivial matter of the armaments still allowed to them, in a manner which might be construed as inconsistent with their prevailing policy. For such action could have no other effect than to re-awaken in the minds of foreign nations precisely those fears which German policy was concerned to allay, or, short of that, to give occasion to Germany's implacable enemies in foreign countries to blaspheme.

German public opinion was fully alive to these various considerations; and hence the ingenuity of the German naval designers provoked an acute domestic political controversy. In the end, this controversy was settled by a compromise. One vessel of the formidably but perversely ingenious new type was voted; but thereafter the proposal to construct a second (towards completing a programme of four out of the tale of six allowed by the treaty) met with defeat. The net result was the appearance of the *Ersatz-Preussen* on the stocks—and this at an unfortunate moment, on the eve of the preparations for a new naval conference which were made in 1929.[1]

The controversy in Germany was precipitated by the announcement, in 1927, of a fifteen-year naval construction programme in which the Ministry for the *Reichswehr* proposed to build four out of the six armoured vessels of not more than 10,000 tons which the Versailles Treaty allowed as replacements, and by the appearance in the naval estimates of the Budget, which were laid before the *Reichsrat* towards the end of the year, of a first appropriation for beginning the construction of *Panzerschiff A*. The official explanation of this item was that, by that date, all the six existing vessels which the treaty had allowed Germany to retain and eventually to replace by new armoured vessels of not more than 10,000 tons had already passed the specified replacement age. Critics pointed out that replacement was merely permitted by the treaty and was not, after all, prescribed, and that the total eventual cost of the new vessel was estimated at the startlingly high figure of 80,000,000 marks (about £4,000,000). Further, they argued that the ship, when finished, was unlikely to be of practical value to Germany as a weapon in war against any conceivable opponent. It was suggested that the replacement, if made at all, might be invested more profitably in a 10,000-ton cruiser of the Washington Treaty class. On the 6th August, 1927, the *Reichsrat*, on a motion from Prussia, rejected this item in the Budget by thirty-six votes to thirty-two. On the 5th March, 1928, however, the item was approved by the Budget Committee of the *Reichstag* by fifteen votes to twelve, and on the 28th March, 1928, by the

[1] See Section (iii) of this part of the present volume.

Reichstag itself. Though the *Reichsrat* did not take up the challenge from the other house, the parties then in opposition looked forward to reversing this decision in the *Reichstag* itself at the next change of Government; but when, in August 1928, a new Government, based on 'the Greater Coalition', took office, the new Social-Democratic Chancellor, Herr Müller, allowed the item to stand, in deference to the wishes of his colleagues of the People's Party. This policy aroused a storm, and for a moment it seemed that the Social-Democratic and Democratic Ministers in the Government might be forced by their parties to resign; but the Ministers did not resign, the storm died down, and the construction of *Panzerschiff A* was put in hand. A demand, promoted by the Communists, to have the issue submitted to a referendum collapsed on the 17th October, 1928, through failure to obtain the number of signatures—not less than one-tenth of the total electorate—which was constitutionally necessary in order to bring the machinery of the referendum into operation.[1] A motion, brought forward in the *Reichstag* by the Social-Democrats, for suspending construction on the new ship, was defeated on the 16th November, 1928, by 255 votes to 203, after the Minister for the *Reichswehr*, General Groener, had let it be known that if the motion were carried he would resign and after President Hindenburg had signified that he supported General Groener.

At the end of the year the German Government published certain facts and figures about *Panzerschiff A* which showed that, by ingenious economies of weight in other parts, she had been enabled, within her total maximum of 10,000 tons, to carry a greater weight of armour and armaments than had been thought possible; and though she was, of course, no match for the 'post-war' capital ships of the five surviving Naval Powers and was not fast enough to overtake one of the 8-inch-gun 'light' cruisers of the Washington Treaty class, she was sufficiently powerful, if herself overtaken by a ship of the latter class, to blow it out of the water. This caused a certain sensation abroad. A greater sensation was caused by the publication in *The Review of Reviews* of London, in the issue for January 1929, of a secret memorandum which had been circulated by General Groener to his colleagues in the German Cabinet in the previous November when the debate in the *Reichstag* on the Social-Democrats' motion had been imminent. In this memorandum the Minister for the *Reichswehr* set forth his view of the reasons why the construction of the contentious 'pocket battleship' was desirable. He dismissed, as unthinkable under the conditions of the Versailles Treaty, the idea of Germany either participating in a general war or waging a local war *à deux* with a minor state. The value of the new ship, he suggested, was its efficacy for deterring the Poles from attempting against East Prussia a military *coup* of the kind by which they had won Vilna, and for enabling Germany to defend her neutrality in case of a war between the Western Powers and the U.S.S.R.

On the 27th June, 1929, the *Reichstag* voted, by 240 to 172, a second appropriation towards the fifteen-year programme for the construction of four armoured vessels; but as the amount voted was all required to meet

[1] In the canvassing of this demand, the issue of the proposed referendum was stated in the terms: 'The building of armoured vessels and cruisers of any kind is prohibited'.

the estimates for *Panzerschiff A*—or the *Ersatz-Preussen*, as she had now come to be called—the question whether the three other ships were to be laid down was not raised.

(iv) The Negotiation of the 'Litvinov Protocol' for anticipating the coming into force of the General Treaty for the Renunciation of War signed in Paris on the 27th August, 1928.

It has been recorded elsewhere[1] that when, after the signature of the Pact of Paris by fifteen states on the 27th August, 1928, invitations to adhere were addressed by the State Department at Washington to forty-eight other states, a simultaneous invitation was addressed to the U.S.S.R. by the French Government because the United States and the U.S.S.R. were not in diplomatic relations with each other. The habitual attitude of the Soviet Government towards foreign attempts at grappling with the security and disarmament problem had been to cast discredit upon them *a priori* on the general ground that no good thing could come out of the Capitalist World; and this attitude was duly displayed in the Soviet Government's reply[2] to the French invitation of the 27th August, 1928. It was noteworthy, however, that this reply was delivered as early as the 31st August and that it concluded with a declaration of intention to adhere. The intention was carried out without undue delay, and the formal adhesion of the Soviet Government to the Pact was notified to the State Department at Washington, through the French Embassy, on the 4th October, 1928. This indicated that the Soviet Government took the 'Kellogg Pact' seriously, and the indication was confirmed when the Soviet Government went on to take steps for anticipating, as between the U.S.S.R. and certain of its European neighbours, the date on which the Pact of Paris would come into force by the terms of the Pact itself. By these terms, it would not come into force until ratifications had been deposited at Washington by all the fifteen original signatories; and it was only then that notifications of adherence from any of the forty-nine states invited to adhere would take effect. At the end of the year 1928 no ratification by any of the original signatories had yet been deposited; and though the treaty was under consideration in the Senate at Washington, it was not certain that the Senate would approve and not impossible that it might approve subject to reservations or interpretations which might deter other interested states from committing themselves further. Thus, at the date when the Soviet Government took the

[1] *Survey for 1928*, p. 24.
[2] *Op. cit.*, pp. 24–5 *n.* Text in *Documents on International Affairs, 1928.*

initiative for bringing the Pact of Paris into force regionally forthwith, it seemed possible that the general entry of the treaty into force in accordance with the terms of the treaty itself might still be postponed for a long time, if not indefinitely.[1]

The Soviet Government's *démarche* took the form of a note[2] addressed, on the 29th December, 1928, by the Assistant Commissar for Foreign Affairs, Monsieur Litvinov, to the Polish Minister in Moscow, Monsieur Patek. In this note, after alluding to previous Russo-Polish negotiations for a pact of non-aggression[3] and intimating that Poland was responsible for their failure to bear fruit, Monsieur Litvinov invited Poland, as one of the original signatories of the General Treaty for the Renunciation of War who was also a neighbour of the U.S.S.R., to sign, with the U.S.S.R., a protocol of which he enclosed a draft.[4] This draft protocol provided that, as between the U.S.S.R. and Poland, the General Treaty of the 27th August, 1928, should come into force as soon as it had been ratified by their respective legislative bodies. The protocol itself, after signature, was to be submitted for ratification to the same bodies, and was to come into force as between the U.S.S.R. and Poland upon exchange of the ratifications of it—an exchange which was to take place a week after the ratifications themselves had been executed. Thereafter, the two states were to inform each other when they had each ratified the General Treaty of the 27th August, 1928; and thereupon the treaty was to come into force between them forthwith. The protocol was to be open for adherence on the part of any other state; states which had taken the legal steps for adhering to it were to notify whichever of the two original signatories of the protocol had brought the protocol to their attention; and, from the date of such notification, the protocol was to come into effect as between the notifying state and all other parties to the protocol. In his covering note, Monsieur Litvinov declared that the present proposal was in addition to and not in substitution for the previous proposal for a Russo-Polish non-aggression pact. He also mentioned that he had addressed the present proposal to Lithuania as well as to Poland, but not to Latvia,

[1] The Pact of Paris was actually ratified by the United States on the 17th January, 1929; and it came into force on the 24th July, 1929, the date of the deposit of the instrument of ratification by Japan, the last of the original signatories to ratify the Pact (see the *Survey for 1927*, p. 46).

[2] French text in the *Messager Polonais*, 3rd January, 1929.

[3] *Survey for 1927*, Part II D, Section (ii).

[4] French text in the *Messager Polonais*, 3rd January, 1929. French texts of this note and of those subsequently exchanged, as well as of the protocol signed on the 9th February, 1929, will also be found in *L'Europe Nouvelle*, 9th March, 1929.

Estonia, or Finland. He declared that he had made this distinction for the sole reason that Lithuania had already taken the formal steps for adhering to the treaty of the 27th August, 1928, while the other three countries had not yet done so.

Monsieur Litvinov's note, of which no inkling had been given in advance, took the Polish Government by surprise and raised several important questions for their consideration. First, how would the proposal be viewed by the fourteen states with which Poland was associated as an original signatory of the treaty of the 27th August, 1928? Would they deprecate it as implying a lack of faith in the prospect that the treaty would come into force by the procedure laid down in the treaty itself? Or would they welcome it as a friendly effort to bring the treaty into force more expeditiously? Here the Polish Government had to think first and foremost of the Government of the United States, which, as the moving spirit in the negotiation of the treaty, was most intimately concerned. In the second place, how would the action taken by the Soviet Government in putting forward their new proposal affect the relations of the European border-states of the U.S.S.R., not only with the U.S.S.R. but with one another? The main reason why the negotiations, mentioned in Monsieur Litvinov's note, for a non-aggression pact between the U.S.S.R. and Poland had so far failed to produce results was that the U.S.S.R. wished to conclude a separate pact with each of the border states, while Poland was unwilling to conclude any pact with the U.S.S.R. unless all the other border states were co-signatories of the same single instrument.[1] The Soviet Government's action in approaching Poland individually and simultaneously approaching no other border state except Lithuania had been explained by Monsieur Litvinov on formal diplomatic grounds; but, nevertheless, it aroused in Polish minds a suspicion that the Soviet Government were pursuing, in a new form, their old policy of isolating the border states from one another by treating with them separately. An unfavourable impression was also made by the fact that the only other state to which the Soviet Government had addressed the proposal so far was Lithuania—a country which did not possess a common frontier with the U.S.S.R. and which appeared to be irreconcilably hostile to Poland. The suggestion was that the U.S.S.R. was in some way attempting to outmanœuvre Poland by enlisting the support of Poland's declared enemy—though reflection must have shown that, since the proposed protocol would bind Lithuania *vis-à-vis* Poland as well as *vis-à-vis* the U.S.S.R., and since the territory in dispute

[1] See the *Survey for 1927*, Part II D, Section (ii).

between Lithuania and Poland was in Poland's possession *de facto*, Poland stood to gain if Lithuania were to become a party to the protocol as well. More serious, from the Polish standpoint, was the fact that Monsieur Litvinov had omitted to mention one border state alone and that Rumania; for the U.S.S.R. had a territorial dispute with Rumania over Bessarabia[1] in which the Soviet Government maintained an attitude of intransigence resembling the Lithuanian attitude over Vilna, while Poland had a mutual insurance treaty with Rumania based on the *status quo* and supplemented by a military convention.[2] This made it virtually impossible for Poland to take any action that might result in bringing the Treaty for the Renunciation of War into force between the U.S.S.R. and Poland without its coming into force simultaneously between the U.S.S.R. and Rumania.[3] Thus Monsieur Litvinov's proposal confronted the Poles with certain doubts and difficulties, and the first state of mind which it aroused in them was one of scepticism and reserve. On second thoughts, however, the Poles began to feel that this was a serious offer which must be responded to in a serious way; and, as time went on, this attitude prevailed.

The first step taken by the Polish Government was to inform the Rumanian Government on the 3rd January, 1929, of the Soviet Government's *démarche*. Almost simultaneously, the Lithuanian Government accepted the proposal on their own account and informed the Latvian and Estonian Governments of it, with the suggestion that they should accept it likewise.[4] Monsieur Litvinov was reported to have re-enforced this Lithuanian *démarche* in conversations with the Latvian and Estonian Ministers at Moscow on the 6th January.

On the 10th January the Polish Government presented their reply[5] to Monsieur Litvinov's note of the 29th December. They announced that they were ready to accept Monsieur Litvinov's proposal in principle, subject to previous consultation with their co-signatories of the treaty of the 27th August, 1928, on the one hand and with the other European border states of the U.S.S.R. on the other. Monsieur

[1] *Survey for 1920–3*, Part III, Section (ii) (4); *Survey for 1927*, p. 298 *n*.
[2] *Survey for 1920–3*, Part III, Section (ii) (3) (*f*); *Survey for 1926*, p. 154.
[3] During the negotiations for the signature of the Treaty for the Renunciation of War itself, a similar problem had arisen for France, *vis-à-vis* Germany, in view of her treaty obligations towards Poland and Czechoslovakia; and in that case the problem had been solved by an arrangement that not only France and Germany but Czechoslovakia and Poland should sign the treaty at the same moment.
[4] Text of the Lithuanian note in *Le Temps*, 12th January, 1929.
[5] French text in *Le Temps*, *loc. cit.*

Litvinov answered on the 12th January by pointing out that, in his note of the 29th December, he had already proposed that any other state should be at liberty to adhere to the protocol and had expressed a desire that certain European border states of the U.S.S.R. should become parties to it. In regard to Rumania in particular, he declared that, although the U.S.S.R. was not in diplomatic relations with her, the Soviet Government were ready to invite her to adhere to the protocol if she had formally adhered to the treaty of the 27th August, 1928. It was evident, he added, that, in adhering to the treaty on their own account, the Soviet Government were aware that they were undertaking, *vis-à-vis* Rumania, the obligation to renounce the use of war as an instrument for regulating conflicts, from the moment of Rumania's adherence to the treaty—and this notwithstanding the fact that the existing controversies between the two countries would remain unsettled, as before. Accordingly, Monsieur Litvinov declared, the Soviet Government could have no objection to seeing the same obligation not to resort to war created, between themselves and Rumania, through the adherence of Rumania to the proposed protocol; and he asked the Polish Government to ascertain whether the Rumanian Government had taken formal steps to adhere to the treaty and were ready to adhere to the protocol. In regard to Lithuania, he scored two debating points. If the U.S.S.R. did not possess a common frontier with Lithuania, neither did Poland possess one with Estonia and Finland, whom she on her side was anxious to include in the transaction. And, seeing that Poland had been at pains to obtain through the instrumentality of the League of Nations a termination of the state of war between herself and Lithuania,[1] the Soviet Government could not be blamed for having imagined that their invitation to Lithuania to become a party to the proposed protocol would be hailed in Poland with rejoicings. On the 19th January, 1929, the Polish Minister at Moscow presented a second note to the effect that—in view of the ratification of the treaty by the United States,[2] of conversations with other co-signatories, and of Monsieur Litvinov's declaration regarding Rumania—the Polish Government were now in a position to discuss the form of the proposed protocol and the procedure for signing it. The Polish Government undertook to make those inquiries from the Rumanian Government which Monsieur Litvinov had suggested. As regarded the Baltic States, the Polish note pointed out that, inasmuch as they

[1] See the *Survey for 1927*, Part II D, Section (iv).

[2] The Senate at Washington had approved the treaty on the 15th January, 1929, and the President had signed the act of ratification on the 17th.

had declared their intention to adhere to the treaty without having yet performed the formal act, they were in exactly the same position as Poland herself. Simultaneously, the Rumanian Government announced their readiness to join Poland in becoming a party to the proposed protocol, in view of the Soviet Government's conciliatory attitude. Similar announcements were made by the Latvian and Estonian Governments before the end of January.

Upon the delivery of the Polish note of the 19th January, Russo-Polish discussions on procedure began at Moscow forthwith. The question was whether the original signatures should be appended by the U.S.S.R. and Poland alone, the other border states afterwards adhering by a deposit of notifications at Moscow,[1] or whether all the border states should sign the instrument with the U.S.S.R. simultaneously. By the beginning of February, the two Governments at Moscow and Warsaw had agreed on the compromise that there should be a simultaneous signature of the protocol by five states—the U.S.S.R., Poland, Rumania, Latvia, and Estonia—the date provisionally fixed being the 7th February. Lithuania was given the choice of signing simultaneously or later, and she chose the latter alternative in order not to appear before the world as having fallen in with a Polish desideratum. Finland held aloof from the proceedings altogether—presumably because she regarded herself as having entered the Scandinavian group of states and did not wish to take any action which might draw her back into intimate relations with her southern and eastern neighbours. The Rumanian, Latvian, and Estonian Governments concurred in the Russo-Polish compromise on procedure; and, as an earnest of good will, the Polish Diet approved the General Treaty for the Renunciation of War on the 7th February without debate. At the last moment, however, the date of signature of the protocol by the five states was deferred because on the 6th February the Latvian and Estonian Foreign Ministers agreed not to join in signing the protocol until the treaty had been approved by their parliaments also;[2] and in the Latvian Diet the approval of the treaty was delayed by the Communists. The treaty was ratified by Estonia on the 8th February, and on the 9th, the protocol[3] was signed by representatives of the five Governments at Moscow—the Latvian Minister being permitted to sign in a provisional way pending formal

[1] For this procedure, which was proposed by Monsieur Litvinov on the analogy of that which had been followed in the case of the treaty itself, see the *communiqué* from the *Tas* Agency in *Le Temps*, 23rd January, 1929.

[2] The treaty had been approved by the Rumanian Parliament a few days earlier.

[3] The text will be found in *Documents on International Affairs, 1929*.

authorization at Riga.[1] Monsieur Litvinov, in his speech on this occasion,[2] took the opportunity to refer to Russo-Rumanian relations as follows:

> The fact that we have among us, in the capacity of delegate for the signature of the protocol, the representative of a state with which the U.S.S.R. is not in normal diplomatic relations, and with which it has old and serious differences that have not been settled and are not settled by the present protocol—this fact is a fresh proof of the spirit of peace which animates the Soviet Union.

Instruments of ratification of the protocol signed at Moscow on the 9th February, 1929, were deposited at Moscow by the U.S.S.R. and by Latvia on the 5th March, by Estonia on the 15th March, and by Poland and Rumania on the 30th March. The accession of Lithuania to the protocol was effected on the 1st April. In announcing the signature of the Moscow protocol to the Turkish Government, the Soviet Government invited the latter to adhere; and a Turkish declaration of adherence was made on the 1st April, the instrument of ratification being deposited on the 3rd July. Persia was also invited to adhere, and her accession took effect from the 4th July. The Free City of Danzig also acceded to the protocol, as from the 30th April.

The question whether the Soviet Government had been sincere in addressing their proposal to the Polish Government on the 29th December, 1928, had been answered in the affirmative by their subsequent action. For Monsieur Litvinov had not only shown great energy and persistence in carrying his project through to completion without being deterred by the lukewarmness and suspicion with which it was at first received. He had also made two notable concessions on matters to which the Soviet Government attached importance and on which they had been inclined to show intransigence in the past. He had conducted an important diplomatic transaction with the European border states of the U.S.S.R. collectively instead of separately; and he had anticipated the date at which the U.S.S.R., by adhering to the treaty of the 27th August, 1928, became bound not to employ war as an instrument for furthering her unabated claim for the restitution of Bessarabia by Rumania.

[1] Latvia's ratification of the treaty was effected on the 12th February, 1929.

[2] Text in the *Messager Polonais*, 11th February, 1929.

(v) The Permanent Court of International Justice.

(a) Accessions to the 'Optional Clause' of the Statute of the Permanent Court of International Justice.

The Protocol of Signature of the Statute of the Permanent Court of International Justice[1] was opened on the 16th December, 1920, for signature 'by the Members of the League of Nations and by the states mentioned in the Annex to the Covenant of the League.'[2] By adhering to the Protocol, a state declared its acceptance of 'the jurisdiction of the Court in accordance with the terms and subject to the conditions' of the Statute. By signing the 'optional clause' attached to the Protocol of Signature a state might also declare that it accepted 'as compulsory, *ipso facto* and without special convention, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court.'

Paragraph 2 of Article 36 of the Statute provided that:

> The Members of the League of Nations and the States mentioned in the Annex to the Covenant may, either when signing or ratifying the Protocol to which the present Statute is adjoined, or at a later moment, declare that they recognize as compulsory, *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal disputes concerning: (*a*) the interpretation of a Treaty; (*b*) any question of international law; (*c*) the existence of any fact which, if

[1] For the origin and constitution of the Permanent Court see *The History of the Peace Conference*, vol. vi, Chapter vi, Part III.

[2] The states mentioned in the Annex to the Covenant were the signatories of the Peace Treaties, who were the original Members of the League, and thirteen states (Argentina, Chile, Colombia, Denmark, the Netherlands, Norway, Paraguay, Persia, Salvador, Spain, Sweden, Switzerland, and Venezuela) who were invited to accede to the Covenant. It will be noted that under the terms of the Protocol of Signature accession would have been possible to the three states (the United States of America, Ecuador, and the Hijāz) which were mentioned in the Annex to the Covenant as signatories of one or more of the Peace Treaties, but which did not become Members of the League. (For the question of the accession of the United States to the Statute of the Court, see the *Survey for 1926*, Part I A, Section (ii), and sub-section (v) (*b*) of this part of the present volume.) On the other hand the 'ex-enemy' countries and other states, such as Abyssinia or Luxembourg, which were not mentioned in the Annex to the Covenant, could not adhere to the Statute of the Court unless and until they were admitted to membership of the League; but by a resolution adopted by the League Council on the 17th May, 1922, in virtue of its powers under Article 35, paragraph 2, of the Court's Statute, states not members of the League and not mentioned in the Annex to the Covenant might be parties to proceedings before the Court, on condition that they had previously deposited a declaration accepting the Court's jurisdiction and undertaking to carry out the Court's decisions in good faith and not to resort to war against a state complying with the same conditions.

established, would constitute a breach of an international obligation; (*d*) the nature or extent of the reparation to be made for the breach of an international obligation. The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain Members or States, or for a certain time.

The states which signed the optional clause thus agreed in advance to submit to the Permanent Court of International Justice any disputes of a certain definite character which might arise between them and any other state or states which had undertaken the same obligation, and to accept the judgement of the Court on those disputes.[1] Moreover, the last paragraph of Article 36 of the Statute of the Court provided that in cases of doubt the Court itself should decide whether it had jurisdiction.[2] The terms of paragraph 2 of Article 36, however, left it open to states to accept the Court's jurisdiction in 'all or any' of the classes of disputes mentioned, and a considerable proportion of the states which adhered to the optional clause took advantage of this provision and made reservations excluding from the Court's compulsory jurisdiction certain kinds of dispute (for example, those for which some other method of peaceful settlement might be agreed upon).[3]

[1] It will be noticed that the obligations undertaken by signatories of the optional clause related only to certain classes of disputes. The General Act for Arbitration and Conciliation which was opened for signature during the ninth session of the League Assembly in September 1928 (see the *Survey for 1928*, Part I A, Section (iii)) had a wider scope, and states accepting that Act as a whole bound themselves to adopt a certain procedure for the settlement of all disputes, except such as might be excluded by specific reservations made at the time of signature. A state which adhered both to the optional clause of the Permanent Court and to the General Act would be obliged to submit any differences to which it was a party to conciliation or to arbitration; and, in the case of disputes of the classes specified in the optional clause, the Permanent Court would be the tribunal to which it must have recourse (though this did not exclude previous recourse to conciliation). At the end of 1929 the only two states which were bound both by the optional clause and by the General Act as a whole were Belgium, who had ratified her accession to the General Act on the 18th May, 1929, and Finland, who had ratified it in November; but it was also open to states to ratify one or more chapters of the General Act instead of the Act as a whole; and both Sweden and Norway had adhered to and ratified Chapters I and II—that is, they were committed to the solution of disputes by methods of conciliation (Chapter I) and to the judicial settlement or arbitration of disputes as to rights (Chapter II), but not to the arbitration of all disputes.

[2] 'In the event of a dispute whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.'

[3] In 1928 the possibility of devising some method of inducing more states to accept the compulsory jurisdiction of the Permanent Court was under consideration by the Committee on Arbitration and Security which was set up as a sub-committee of the League's Preparatory Commission for the Disarmament Conference (see the *Survey for 1928*, Part I A, Section (iii)); and the League

By the 31st December, 1928, fifty-two out of the fifty-six states which were then, or had formerly been,[1] Members of the League, had signed the Protocol of Signature of the Statute of the Court,[2] and forty-one of them had ratified their signatures.[3] At the same date the optional clause recognizing the Court's jurisdiction as compulsory was binding upon the following sixteen states: Abyssinia, Austria, Belgium, Bulgaria, Denmark, Estonia, Finland, Germany, Haiti, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and Uruguay.[4]

It will be noticed that the only Great Power bound by the optional clause at the end of 1928 was Germany, who had signed the clause during the eighth session of the League Assembly in September 1927 and had ratified her signature on the 29th February, 1928. France had signed a declaration accepting the Court's jurisdiction as compulsory in October 1924, at the same time as she signed the 'Geneva Protocol' for the Pacific Settlement of International Disputes, but she had expressly reserved the right of denunciation if the Geneva Protocol should lapse; and although she had not in fact denounced her acceptance of the optional clause when the Geneva Protocol was rejected, she had refrained from giving effect to her signature by ratification. None of the other Great Powers had even signed the optional clause, and the smaller states were clearly waiting for the Great Powers—and for the British Empire in particular—to give them a lead in the matter.

When the 'Geneva Protocol' was under discussion at the fifth session of the League Assembly in 1924 British spokesmen had

Assembly, during its ninth session in September 1928, adopted a resolution drawing attention to 'the possibility offered by the terms' of the optional clause 'to states which do not see their way to accede to it without qualification to do so subject to appropriate reservations limiting the extent of their commitments both as regards duration and as regards scope.'

[1] The signatories of the Protocol included Costa Rica and Brazil, whose withdrawal from the League had taken effect respectively on the 1st January, 1927, and the 14th June, 1928.

[2] The four States Members which had not acceded to the Statute of the Court by the end of 1928 were Argentina, Honduras, Nicaragua and Peru.

[3] The eleven states which had not ratified by the end of 1928 were Bolivia, Colombia, Costa Rica, the Dominican Republic, Guatemala, Liberia, Luxembourg, Panama, Paraguay, Persia and Salvador.

[4] The number of states which had actually signed the optional clause was twenty-nine, but the clause was not binding on thirteen of them, either because of failure to ratify the optional clause or the Protocol of Signature of the Court's Statute, or because accession had been for a term of years which had expired before the 31st December, 1928, and had not been renewed; or, in one case (Brazil) because accession had been conditional on compulsory jurisdiction being accepted by at least two of the permanent members of the League Council.

declared that the Labour Government then in power in Great Britain were anxious to sign the optional clause, though they would probably feel obliged to make a reservation in order to ensure that the British fleet should remain subject to British maritime law if it should be called upon to take action in accordance with the terms of the Geneva Protocol. The Labour Government, however, did not actually sign the optional clause during their short period of office in 1924, and the Conservative Government which succeeded them in November of that year and remained in power until the General Election of May 1929 were unwilling to accept the compulsory jurisdiction of the Permanent Court.

The principal arguments which were used in support of the Conservative Government's refusal to sign the optional clause were summarized as follows in 1925:[1]

> As regards disputes which are likely to lead to a rupture, his Majesty's Government are already bound, under Article 15 of the Covenant, to submit all such disputes either to arbitration or to the Council of the League. . . . As regards disputes of this nature, therefore, the only result of the acceptance of the compulsory jurisdiction of the Court would be that all disputes falling within the categories prescribed in Article 36 of the Statute would go to the Permanent Court, whereas, at present, it is open to his Majesty's Government, if they so desire, to have them dealt with by the Council.[2] . . . There may well be disputes which, although falling under one of the categories mentioned in Article 36, are yet of such a nature that they may be more suitable for settlement by the procedure of the Council than by the decision of a Court. . . There remain to be considered disputes falling under the description in Article 36

[1] In a Foreign Office letter, published in *The Times* of the 26th September, 1925, in reply to a petition organized by the National Council for the Prevention of War. For other statements of the Conservative Government's case, see the speeches delivered by Sir Cecil Hurst in the Third Commission of the sixth session of the League Assembly on the 18th September, 1925; by Mr. Locker Lampson, Under-Secretary for Foreign Affairs, in the House of Commons on the 11th July, 1927; and by Sir Austen Chamberlain in the House of Commons on the 24th November, 1927. See also the British memorandum submitted to the League of Nations Committee on Arbitration and Security in January 1928, and published in the *League of Nations Official Journal*, May 1928. For a detailed analysis of the arguments for and against signature of the optional clause, see the pamphlet entitled *The Optional Clause*, issued by the League of Nations Union in March 1928.

[2] The assumption that it made no difference whether a dispute was submitted to the Court or to the Council was contested by those who were in favour of accepting the optional clause. They pointed out that it made 'just the difference between retaining and surrendering an ultimate right of private war. . . . Submit a legal dispute to the Court and you are bound to accept their award: submit it to the Council, and, if the Council deal with it and are not unanimous, after three months' delay you are free to fight.' (W. Arnold-Forster: *The Victory of Reason* [London, 1926, the Hogarth Press], pp. 64–5).

> which are not of such a nature that they are likely to lead to a rupture . . . There are a considerable number of arbitration treaties between the United Kingdom and foreign Powers which provide for the submission to arbitration of differences of a legal nature or relating to the interpretation of treaties, provided that they do not affect the vital interests, independence or honour of the contracting states. Moreover, his Majesty's Government have already recognized, under Article 13 of the Covenant, that disputes of this nature are 'generally suitable for submission to arbitration'. The question, therefore, really is whether it is wise for his Majesty's Government, in cases where no risk of war is involved, to agree in advance to submit to arbitration every dispute which may arise, even though the vital interests or independence of the state may be concerned. Ever since the constitution of the Permanent Court was originally drafted in 1920, the view of successive Administrations in this country has been that it would not be wise to accept so far-reaching an obligation.

It was also frequently pointed out that there were two schools of thought in regard to international law—an Anglo-American and a Continental School—and, since the majority of the Judges who composed the Court had been trained in the Continental School, the fear was expressed that there might be cases in which the Court's decision would run counter to British ideas of justice, and in which the British Parliament might even refuse to pass the legislation necessary to implement the decision. This objection was considered to apply particularly to cases of maritime law (in respect of which, however, the most important differences were those between the English rule and the traditional American view), and in this connexion the failure of the attempt made by the Hague Conference of 1907 to establish an International Prize Court was recalled. There was also the question whether disputes which might arise between members of the British Commonwealth of Nations would come within the Court's jurisdiction, and it was urged that, in any case, Great Britain could not accept the optional clause unless all the self-governing Dominions accepted it simultaneously.[1] The Imperial Conference of 1926,[2] which discussed the question of compulsory arbitration, came to the conclusion 'that it was at present premature to accept the obligations' imposed by the optional clause, and an understanding was reached 'that none of the Governments represented at the Imperial Confer-

[1] 'The constitution of the British Empire is not unitary, and it is perilous to proceed as if it were. The assent of the Dominions and India has to be secured at every step and it is undesirable to give unqualified undertakings which it may prove impracticable to fulfil' (Foreign Office letter of the 26th September, 1925, quoted above).

[2] See *The Conduct of British Empire Foreign Relations since the Peace Settlement*, Introduction.

ence would take any action in the direction of the acceptance of the compulsory jurisdiction of the Permanent Court, without bringing up the matter for further discussion.'[1] None of the Dominion Governments raised the question formally with his Majesty's Government at Westminster during the Conservative Government's tenure of office, though the Canadian Government let it be known that they were in favour of accepting the optional clause.[2]

The situation changed at the beginning of June 1929, when a Labour Government came into power in Great Britain for the second time. The Labour Party had pledged themselves, during the election campaign, to sign the optional clause at the earliest opportunity, and in the King's Speech at the opening of Parliament on the 2nd July Mr. Ramsay MacDonald's Government announced that they intended to carry out their pledge and that they were already in consultation on the subject with the Governments of the Dominions. An exchange of views by cable was followed, at the beginning of September, by discussions between the representatives of Great Britain and of the Dominions who were present at Geneva for the tenth session of the League Assembly. As a result of these discussions it became apparent that the members of the British Commonwealth of Nations were now all agreed on the principle of accepting the compulsory jurisdiction of the Permanent Court, but that they took different views as to the desirability of attaching reservations to their declarations of acceptance. Australia and New Zealand held that it was essential to make reservations excluding from the Court's jurisdiction inter-Imperial disputes and disputes relating to questions of a domestic nature, such as immigration. The Irish Free State, on the other hand, was strongly in favour of signature without any reservations at all.[3]

[1] Quoted from the British White Paper *Imperial Conference, 1926: Summary of Proceedings* (Cmd. 2768 of 1926).

[2] In a telegram of the 10th March, 1925, to the League Secretariat on the subject of the Geneva Protocol the Canadian Government had stated that they were prepared to consider accepting the Court's jurisdiction subject to certain reservations; and this statement was repeated in the Assembly on the 12th September, 1927, by the Canadian representative, Senator Dandurand. On the 7th May, 1929, the Canadian Prime Minister, Mr. Mackenzie King, announced in the House of Commons at Ottawa that his Government were prepared to sign the optional clause, though not without a previous conference with the other members of the British Commonwealth of Nations.

[3] Mr. McGilligan, the Minister for Foreign Affairs of the Irish Free State, had announced in the Senate at Dublin in July 1929 that his Government could not agree to any reservation withholding from the Court's jurisdiction disputes between members of the British Commonwealth. The reason for this attitude was apparently a desire to restrict the scope of the jurisdiction which the Judicial Committee of the Privy Council exercised in the Free State under the terms of the Anglo-Irish Treaty of the 6th December, 1921, by establishing

On the 2nd September Mr. Ramsay MacDonald announced in the Assembly that his Government had decided to sign the optional clause; that the form of their declaration was being prepared; and that it would be completed during the course of the Assembly. He added that the Governments of other parts of the British Commonwealth of Nations would, he believed, instruct their representatives to sign the clause during the Assembly, but that, 'in accordance with their rights and their position here', they would 'make their own statement on the subject'. He went on to express the hope 'that other nations will range themselves with us . . . so that this Assembly of the League may be known as the Optional Clause Assembly'. Similar announcements of an intention to sign the clause before the Assembly ended were made on behalf of Canada on the 4th September, of India on the 7th September, and of the Irish Free State on the 11th September. The Australian delegate explained on the 11th September that he was unable to make an announcement owing to the fall of the Australian Cabinet within the last twenty-four hours. No mention was made by any of the Empire delegates of the question of reservations, but consultations were known to be proceeding in the hope of finding a formula which would enable all the members of the British Commonwealth to sign the clause at the same time and on the same terms. It proved impossible, however, to convince the Irish Free State of the desirability of excluding inter-Imperial disputes from the Court's jurisdiction, and the Government of the Irish Free State decided to act independently. On the 14th September, Mr. McGilligan, the Foreign Minister of the Irish Free State, made a declaration accepting the compulsory jurisdiction of the Court for a period of twenty years on the sole condition of reciprocity. The declaration was subject to ratification by Parliament.

On the 19th September[1] declarations accepting compulsory

the right to refer to the Permanent Court any disputes which might arise between the Free State and Great Britain or between the Free State and Northern Ireland.

[1] On the same day the Assembly and Council, voting simultaneously, elected two new Judges of the Court in place of Lord Finlay (Great Britain) and Monsieur André Weiss (France), who had died during the past twelve months. The candidates who had been nominated by the greatest number of national groups were Sir Cecil Hurst (Great Britain) and Monsieur Henri Fromageot (France). The nomination of these two distinguished jurists had given rise to a good deal of criticism on the ground that they had both acted as Legal Advisers to the Foreign Offices of their respective countries. Since it was of the utmost importance that the impartiality of the Judges of the Court should be above suspicion, it was felt in some quarters that it would have been preferable to have nominated candidates who had not been so closely associated with the national policy of their countries, especially in the

jurisdiction were made on behalf of the United Kingdom, India, New Zealand, and the Union of South Africa. The declaration made by Mr. Arthur Henderson, as the representative of His Majesty's Government at Westminster, was in the following form:[1]

> On behalf of His Majesty's Government in the United Kingdom and subject to ratification, I accept as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of ten years and thereafter until such time as notice may be given to terminate the acceptance, over all disputes arising after the ratification of the present declaration with regard to situations or facts subsequent to the said ratification, other than:
>
> Disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement; and
>
> Disputes with the Government of any other member of the League which is a member of the British Commonwealth of Nations, all of which disputes shall be settled in such a manner as the parties have agreed or shall agree; and
>
> Disputes with regard to questions which by international law fall exclusively within the jurisdiction of the United Kingdom.
>
> And subject to the condition that His Majesty's Government reserve the right to require that proceedings in the Court shall be suspended in respect of any dispute which has been submitted to and is under consideration by the Council of the League of Nations, provided that notice to suspend is given after the dispute has been submitted to the Council and is given within ten days of the notification of the initiation of the proceedings in the Court, and provided also that such suspension shall be limited to a period of twelve months or such longer period as may be agreed by the parties to the dispute or determined by a decision of all the members of the Council other than the parties to the dispute.

Mr. Henderson supplemented this declaration by an explanatory statement regarding the object and effect of the reservations[2] and of

drafting of post-war settlements. Objections in principle to the appointment of ex-government officials as Judges of the Court had not prevented the elections, in 1921, of two former Legal Advisers—Monsieur Weiss, whose place had now to be filled, and Monsieur Max Huber (Switzerland); and in 1929, again, the objections were held to be outweighed by the personal qualifications of the two candidates in question. On the 19th September Sir Cecil Hurst was elected by the votes of 40 out of 52 states represented in the Assembly and Monsieur Fromageot by the votes of 37. Both were also elected by the Council.

[1] The text of the declaration was printed as the British white paper, *Cmd.* 3421 of 1929 (Misc. No. 8).

[2] On the subject of inter-Imperial disputes, he said that such disputes were excluded because 'the Members of the Commonwealth, though international units individually in the fullest sense of the term, are united by their common allegiance to the Crown. Disputes between them should therefore be dealt with by some other mode of settlement'. In regard to the reservation concerning past situations or facts, Mr. Henderson explained that the British

the provision for the suspension of proceedings before the Court in respect of disputes which had been submitted to the Council. He explained that the last paragraph of the declaration was intended 'to cover disputes which are really political in character though juridical in appearance'. Disputes of this kind could be 'dealt with more satisfactorily by the Council, so that the conciliatory powers of that body may be exercised with a view to arriving at a friendly settlement of the dispute. This formula places the United Kingdom in much the same position as a state which has agreed to a treaty of arbitration and conciliation providing for the reference of all disputes to a conciliation commission before they are submitted to judicial settlement'.

The declarations made on behalf of India, New Zealand, and South Africa were in the same form, but Mr. Louw, for South Africa, added that his Government took the view that inter-Imperial disputes were justiciable by the Permanent Court and that they made the reservation excluding such disputes from the Court's jurisdiction merely because they preferred to settle them by other means.

The delegates of Australia and Canada were unable to sign the clause at the same time as the other Empire delegations because they had not then received final instructions from their Governments, but they both made declarations on the 21st September, using the same formula as had been adopted by Mr. Henderson. The Canadian delegate, Senator Dandurand, followed the example of South Africa and made a supplementary statement explaining that inter-Imperial disputes were excluded solely because it was 'the expressed policy' of Canada 'to settle these matters by some other method' and it had 'deemed opportune to include its will as a reservation, although a doubt may exist as to such reservation being consistent with Article 36 of the Statute of the Court'.

It will be seen that the reservations[1] which were attached to the signatures of all the members of the British Commonwealth of Nations except the Irish Free State went some way towards meeting those objections against the Court's compulsory jurisdiction which had been used in support of the refusal of the previous British Govern-

Government were not claiming freedom to reserve these from pacific settlement, but merely wished to retain liberty to proceed on the old plan of making a special *compromis* for each case.

[1] Owing to limitations of space it is impossible in this place to give a detailed analysis of the British reservations or to discuss their significance. The reader may be referred to an article on the optional clause by Sir John Fischer Williams in the *British Year Book of International Law*, 1930; and to an article by Dr. H. Lauterpacht on the British reservations in *Economica* (published by the London School of Economics and Political Science), June 1930.

ment to sign the optional clause; and criticism of the Labour Government's action was in fact directed mainly against the omission of a specific reservation, such as had apparently been contemplated in 1924, excluding questions of maritime law. On the 12th December, 1929, the Government issued a memorandum stating their reasons for signing the optional clause. The most important passages of this memorandum are reproduced in the volume of documents accompanying the present volume, and it is therefore unnecessary to analyse the memorandum here; but it may be noted that the principal argument brought forward in support of the Government's decision was that the signature of the optional clause was a 'logical consequence' of the signature of the Peace Pact of Paris on the 27th August, 1928, and constituted the first step towards putting into operation the machinery for the pacific settlement of disputes which must be established if the legal renunciation of war were to be given full effect.[1] The most interesting passage in the memorandum was that in which the Government justified their omission to make a reservation on the subject of belligerent rights at sea. They pointed out that the Covenant of the League and the Pact of Paris had together brought about 'a fundamental change in the whole question of belligerent and neutral rights' and expressed the opinion that 'as between members of the League there can be no neutral rights, because there can be no neutrals'. In the Government's view the change in the situation meant that 'the ordinary arguments against submitting British naval action to arbitral decision' had 'ceased to be relevant to any discussion of the optional clause', since those arguments could only be based 'on the assumption, expressed or implied, that the Covenant and the Pact will break down in practice'.

The argument that there was no longer any need to reserve freedom of action for the British fleet in time of war was elaborated by Mr. Henderson in the House of Commons on the 27th January, 1930, when he moved that the House approve the ratification of the optional clause. Mr. Henderson put the view that the provision for submitting suitable disputes in the first place to the Council of the League did away with the necessity for a reservation regarding belligerent rights. Thanks to the Kellogg Pact, the only war in which the British fleet could be engaged in future would be a war arising out of the terms of the Covenant, and any dispute concerning the

[1] It will be remembered that Article 2 of the Pact of Paris provided that the settlement of disputes should never be sought except by peaceful means, without stipulating what those means were to be. (See the *Survey for 1928*, Part I. A, Section (i).)

action of the fleet in such a case would be submitted to the Council for settlement. A Conservative amendment demanding an additional reservation excluding from the Court's jurisdiction disputes in connexion with the law of war at sea was defeated by 278 votes to 193, and the motion for approval of ratification was carried without a division. Ratification of the optional clause on behalf of Great Britain and of India was effected at Geneva on the 5th February, 1930. Instruments of ratification on behalf of New Zealand and of the Union of South Africa were also deposited at Geneva early in April 1930.[1]

Since Great Britain was the second Power permanently represented on the Council of the League to be bound by the optional clause, the condition postulated by Brazil when she signed the clause in 1921 [2] came into effect, and from the 5th February, 1930, Brazil was also subject to the compulsory jurisdiction of the Court. In the meantime the example set by the British Empire had been followed by a considerable number of other states. It has been mentioned above that at the end of 1928 the optional clause was binding on only sixteen states. During the first eight months of 1929, two more states had ratified their signatures (Panama on the 14th June and Hungary on the 13th August); and during the course of the tenth session of the Assembly declarations accepting the clause were made by eight states in addition to the members of the British Commonwealth of Nations. Italy was the first state to take this step during the Assembly, on the 9th September; Latvia followed on the 10th and Greece on the 12th September; France, Czechoslovakia, and Peru signed on the 19th, at the same time as Great Britain; Siam on the 20th; and Nicaragua on the 24th.[3] All these states, with the exception of Nicaragua, made certain reservations, and all of them except Greece and Nicaragua [4] declared that their signatures were subject to ratification. In the cases of Latvia and of France, the declarations were expressly said to supersede those which they had already made on the 11th September, 1923, and the 2nd October,

[1] Acceptance of the optional clause was approved by the Dail Eireann at Dublin on the 27th February, 1930, and by the House of Commons at Ottawa early in April; but the formality of depositing instruments of ratification does not appear to have been carried out on behalf of the Irish Free State and of Canada before the end of May.

[2] See above, p. 72, *n.* 4.

[3] Peru and Nicaragua had signed the Protocol of Signature of the Statute of the Court on the 14th September, 1929.

[4] The clause became binding upon Greece as from the date of signature. It would presumably become binding upon Nicaragua as soon as she had ratified the Protocol of Signature of the Statute.

1924, respectively, which had never been ratified. Nicaragua fixed no time-limit, but the period for which the obligation was undertaken was limited to five years in the cases of Italy, Latvia, France, and Greece, and to ten years in the cases of Czechoslovakia, Peru, and Siam. The first of these states to effect ratification of the clause was Latvia, on the 26th February, 1930. On the 14th January, 1930, acceptance of the optional clause was renewed, as from the date of signature, by Lithuania, whose original signature had lapsed in May 1927, and on the 16th May the clause was signed at Geneva on behalf of the Jugoslav Government.

Thus at the end of May 1930 the optional clause was binding on twenty-six states,[1] and there were sixteen other states which had signed the clause for whom it had not yet come into effect.[2]

(*b*) The Accession of the United States to the Protocol of Signature of the Statute of the Court.

In the *Survey for 1926* [3] it was recorded that on the 27th January, 1926, the Senate of the United States adopted a resolution recommending adherence to the Statute of the Permanent Court of International Justice, subject to five reservations; and that a Conference of forty states signatories of the Protocol of Signature, meeting at Geneva in September 1926, agreed to the conditions laid down in the first four reservations (which were intended to ensure that adherence to the Court should not involve any legal relation between the United States and the League of Nations and to give the United States equal standing with members of the League in regard to the election of Judges, the adoption of amendments to the Statute, the right of withdrawal from the Court, and the payment of expenses). The Conference also accepted the first part of the fifth reservation (which laid it down that the Court should not 'render any advisory opinion except publicly after due notice to all States adhering to the Court and to all interested States, and after public hearing or opportunity for hearing given to any state concerned'); [4] but it found

[1] Panama, Hungary, Greece, Brazil, Great Britain, India, New Zealand, South Africa, Latvia and Lithuania in addition to those mentioned on p. 72 above.

[2] China was at that time the only state which had previously been bound by the optional clause but whose signature had lapsed and had not been renewed.

[3] Part I A, Section (ii). See also the *Survey of American Foreign Relations*, 1929 (published for the Council on Foreign Relations by the Yale University Press, 1929), Section II, Chapter 1: 'The World Court.'

[4] The Rules of Court dealing with the procedure for giving advisory opinions

itself unable to accept the second part of the fifth reservation, in which the Senate stipulated that the Court should not 'without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest'.

With regard to questions in which the United States had an interest, the Conference thought it sufficient to refer to the precedent established by the Eastern Karelia Case in 1923,[1] but with regard to questions in which the United States merely claimed an interest the position was more complicated. In its Final Act, the Conference pointed out that the Senate appeared to have based this part of its reservation on a presumption which had not actually been established: namely, that the adoption by the Assembly or the Council of the League of a request for an advisory opinion required a unanimous vote;[2] but it agreed that 'in any event the United States should be guaranteed a position of equality in this respect; that is to say, in any case where a state represented on the Council or in the Assembly would possess the right of preventing, by opposition in either of these bodies, the adoption of a proposal to request an advisory opinion from the Court, the United States shall enjoy an equivalent right'. The Conference also pointed out that 'the members of the League of Nations would exercise their rights in the Council and in the Assembly with full knowledge of the details of the situation which has necessitated a request for an advisory opinion, as well as with full appreciation of the responsibilities which a failure to reach a solution would involve for them under the Covenant of the League of Nations': whereas 'a state which is exempt from the obligations and responsibilities of the Covenant would occupy a different position'. For this reason, 'the procedure to be followed by a non-member state in connexion with requests for advisory opinions' was considered to be 'a matter of importance'; and accordingly the protocol

had already been amended by the Court, on the 31st July, 1926, in the sense indicated in the first part of the fifth reservation.

[1] See the *Survey for 1920–3*, pp. 245–8. In this case the Court had refused to give an advisory opinion on the ground that Russia was interested and had refused to submit the question to the Court's jurisdiction.

[2] If the unanimity rule had been established, the Senate's reservation would merely have placed the United States in a position of equality with any member of the Council or Assembly; but since the rule was not established and it was not clear that any single state could impose a veto on the request for an advisory opinion, it appeared to the Conference that to agree to the Senate's condition would be to place the United States in a position of superiority to states members of the Council and the Assembly. (For the legal aspect of the matter, see the *Survey for 1926, loc. cit.* See also an article by Professor Manley O. Hudson in the *American Journal of International Law*, vol. 22, p. 776.)

drafted by the Conference as a proposed basis of agreement between the United States and the states signatories of the Protocol of Signature of 1920, contained the following provisions (Art. 4):

> The manner in which the consent provided for in the second part of the fifth reservation is to be given, will be the subject of an understanding to be reached by the Government of the United States with the Council of the League of Nations. . . .
>
> Should the United States offer objection to an advisory opinion being given by the Court, at the request of the Council or the Assembly, concerning a dispute to which the United States is not a party or concerning a question other than a dispute between States, the Court will attribute to such objection the same force and effect as attached to a vote against asking for the opinion given by a member of the League of Nations either in the Assembly or in the Council.

States signatories of the Protocol of Signature of the Statute of the Court were recommended to adopt the conclusions formulated by the Conference when they replied to the circular note of the 2nd March, 1926, in which the Government at Washington had notified them of the conditions on which the United States was prepared to adhere to the Protocol of Signature; and by January 1928 twenty-four states had sent communications to Washington on the lines suggested.[1]

The immediate reaction of the Coolidge Administration to the work of the Geneva Conference of September 1926 was to treat the refusal of the Conference to accept the fifth reservation without further negotiation as though it were a definitive rejection of the offer, made by the United States in all good faith, to co-operate with other nations for the promotion of peace. On the 11th November, 1926, President Coolidge declared that he did not intend to refer the question to the Senate for reconsideration, and that unless the conditions laid down in the reservations of the 27th January, 1926, were fulfilled there was no prospect of the United States becoming a member of the Court. President Coolidge maintained the attitude that there was no more to be done until his term of office had almost reached its close; and for more than a year after the Geneva Conference of September 1926 had ended there seemed little prospect that the question of the adherence of the United States to the Statute of the Court would be reopened.

In the meantime, however, the interest taken by certain influential

[1] Five states had notified the United States, prior to the Conference of September 1926, that they accepted the Senate's reservations unconditionally, and three others had announced their intention of accepting the reservations, though they failed to give effect to their intention. The remaining signatories of the Protocol of 1920 either sent a mere acknowledgement to the American note, or did not reply to it at all.

persons and organizations in the United States in matters relating to international peace had found a new outlet, and the adoption of the Pact for the Renunciation of War as an Instrument of National Policy in the course of the year 1928 aroused fresh interest in the question of the possible entry of the United States into the Permanent Court. It was widely recognized that the solemn undertaking, entered into by practically all the nations of the world, not to seek a solution of any dispute except by peaceful means, made it more than ever desirable to perfect machinery for the pacific settlement of international controversies; and since there already existed machinery, in the shape of the Permanent Court, for the settlement of certain classes of disputes, the success of the movement which resulted in the signature of the Pact of Paris on the 27th August, 1928, gave rise to renewed activity on the part of those forces in the United States which had always been in favour of American participation in the work of the Permanent Court.

The first formal suggestion for reopening negotiations with a view to the entry of the United States into the Court was made on the 6th February, 1928, when Senator Gillett of Massachusetts [1] introduced into the Senate at Washington a resolution proposing 'a further exchange of views' with states signatories of the Protocol of 1920 'in order to establish whether the differences between the United States of America and the signatory states can be satisfactorily adjusted'. On the 23rd May, 1928, the Senate Committee on Foreign Relations decided by nine votes to eight to defer action on the Gillett Resolution until the next session of Congress, and the resolution was still in abeyance when, towards the end of November 1928, President Coolidge himself took the initiative. On the 24th November, at a breakfast at the White House attended by fifteen Republican Senators, President Coolidge broke his long silence on the subject of the Permanent Court and let it be known that he would approve of the reopening of negotiations with states members of the Court with a view to obtaining their approval of the Senate's reservations.

Three weeks later, on the 13th December, 1928, the Council of the League of Nations took action on a resolution adopted by the ninth session of the Assembly on the 20th September, 1928, by which the Council's attention had been drawn to the 'advisability of proceeding, before the renewal [in 1930] of the term of office of the mem-

[1] Senator Gillett's close personal relations with President Coolidge made it appear probable that this method of sounding public opinion had the President's approval.

bers of the Permanent Court of International Justice, to the examination of the Statute of the Court with a view to the introduction of such amendments as may be judged desirable'. On the 13th December the Council decided to appoint a small Committee of Jurists to consider and report on what amendments appeared desirable in the various provisions of the Statute. On the following day, when the majority of the members of the Committee were nominated, it was decided that an invitation should be sent to a jurist of United States nationality, and early in January 1929 it was announced that Mr. Elihu Root, who had been a member of the committee which drafted the original Statute of the Court,[1] had consented to serve on the new committee.

The meeting of the Jurists Committee was fixed for the 11th March, 1929, and Mr. Root left Washington for Geneva on the 16th February. Before his departure it became known that he was prepared to undertake the unofficial diplomatic mission of exploring the ground in order to see whether the difficulties in the way of the entry of the United States into the Court could be removed; and he seems actually to have discussed with President Coolidge and with Mr. Kellogg the terms of a formula which he had worked out with the object of removing the stumbling-block presented by the fifth reservation. On the 19th February, three days after Mr. Root had sailed, the question of American adherence to the Statute of the Court was reopened formally by a circular note from Mr. Kellogg, President Coolidge's Secretary of State, to the Powers which had signed the Protocol of Signature of 1920.[2]

In this note [3] Mr. Kellogg, having pointed out that 'the second part of the fifth reservation . . . raised the only question on which there is any substantial difference of opinion' between the United States and the states represented at the Conference of September 1926, went on to declare that:

> The Government of the United States desires to avoid in so far as may

[1] Mr. Root, in collaboration with Lord Phillimore, had already found a way out of one dilemma which had arisen in connexion with the Court in 1920 by devising a successful method of electing the judges.

[2] It was the cause of some surprise that President Coolidge should have taken this important step within a fortnight of the end of his Administration. Under the circumstances, it was taken for granted that President Coolidge had consulted the President-Elect before reaching his decision, and his action was attributed to the keen desire felt by him and by his Secretary of State to carry their work for the promotion of peace one stage further before they went out of office.

[3] The text of Mr. Kellogg's note was published in the *United States Daily*, 20th February, 1929. It will also be found in the *Fifth Annual Report of the Permanent Court of International Justice*, pp. 142–5.

be possible any proposal which would interfere with or embarrass the work of the Council of the League of Nations. . . . and it would be glad if it could dispose of the subject by a simple acceptance of the suggestions embodied in the Final Act and draft Protocol adopted at Geneva on the 23rd September, 1926. There are, however, some elements of uncertainty in the bases of these suggestions which seem to require further discussion. The powers of the Council and its modes of procedure depend upon the Covenant of the League of Nations which may be amended at any time.[1] The ruling of the Court in the Eastern Karelia case and the Rules of the Court are also subject to change at any time. For these reasons, without further inquiry into the practicability of the suggestions, it appears that the Protocol submitted by the twenty-four Governments[2] in relation to the fifth reservation of the United States Senate would not furnish adequate protection to the United States. . . . Possibly the interest of the United States thus attempted to be safeguarded may be fully protected in some other way or by some other formula. The Government of the United States feels that such an informal exchange of views as is contemplated by the twenty-four Governments should, as herein suggested, lead to agreement upon some provision which in unobjectionable form would protect the rights and interests of the United States as an adherent to the Court Statute, and this expectation is strongly supported by the fact that there seems to be but little difference regarding the substance of these rights and interests.

A copy of Mr. Kellogg's note was also dispatched to the Secretary-General of the League of Nations and was laid before the Council on the 9th March, 1929, during its fifty-fourth session. The Council observed with satisfaction that the terms of the note made it possible to hope that a solution might be found for the difficulties which had been encountered in 1926, and it decided to ask the Committee of Jurists, which was to meet on the 11th March in order to discuss amendments to the Court's Statute, to consider in addition 'the present situation as regards accession of the United States of America to the Protocol of Signature of the Statute of the Permanent Court of International Justice and to make any suggestions which it feels able to offer with a view to facilitating such accession on conditions satisfactory to all the interests concerned'.

In the meantime, Mr. Root, who had arrived at Geneva some days before the meeting of the Committee of Jurists was due to begin, had been discussing the question of the relations between the United States and the Court with various members of the Council and with

[1] It may be noted that the Committee on Amendments to the Covenant, which met in March 1930, proposed to add a paragraph to Article 15 of the Covenant which would make it possible, in certain circumstances, for the Council to decide by a majority vote to ask the Court for an advisory opinion.

[2] i.e. the Governments which had replied to the United States note of the 2nd March, 1926, on the lines suggested by the Conference of September 1926.

officials of the League Secretariat, and when the Jurists assembled on the 11th March under the chairmanship of Signor Scialoja, Mr. Root was ready to submit informally for their consideration a possible solution of the difficulties raised by the fifth reservation. The 'Root formula' followed the course suggested by Article 4 of the draft protocol of September 1926 and laid down the procedure by which 'the consent provided for in the second part of the fifth reservation' was to be given. The substance of Mr. Root's proposal was that the United States should be notified whenever a request for an advisory opinion was submitted to the Court; that if, within a certain time-limit, the United States should notify the Registrar that it objected to the question being submitted to the Court, proceedings should be suspended in order to enable an exchange of views to take place; and that if, after this exchange of views, agreement could not be reached and the United States maintained its objections, it could, without any imputation of unfriendliness, avail itself of the right to withdraw from membership of the Court.

In the course of the discussions in the Committee of Jurists certain modifications in the terms of the 'Root formula' [1] were discussed, and on the 18th March, the Committee approved a protocol drafted by Mr. Root in collaboration with Sir Cecil Hurst, which was intended to replace the protocol drafted by the Conference of September 1926. A large part of the new protocol [2] reproduced, without any essential modification, the terms proposed in 1926, but the article dealing with advisory opinions now ran as follows:

> With a view to ensuring that the Court shall not without the consent of the United States entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest, the Secretary-General of the League of Nations shall, through any channel designated for that purpose by the United States, inform the United States of any proposal before the Council or the Assembly of the League for obtaining an advisory opinion from the Court, and thereupon, if desired, an exchange of views as to whether an interest of the United States is affected shall proceed with all convenient speed between the Council or Assembly of the League and the United States.
>
> Whenever a request for an advisory opinion comes to the Court, the Registrar shall notify the United States thereof among other States mentioned in the now existing Article 73 of the Rules of Court, stating

[1] For the 'Root formula' in its original form and the discussions on it in the Jurists Committee see the *Survey of American Foreign Relations*, 1929, *loc. cit.*

[2] The full text will be found in *Documents on International Affairs, 1929*, and in the *Fifth Annual Report of the Permanent Court of International Justice*, pp. 145–8.

a reasonable time-limit, fixed by the President, within which a written statement by the United States concerning the request will be received. If for any reason no sufficient opportunity for an exchange of views upon such request should have been afforded, and the United States advises the Court that the question upon which the opinion of the Court is asked is one that affects the interests of the United States, proceedings shall be stayed for a period sufficient to enable such an exchange of views between the Council or the Assembly and the United States to take place.

With regard to requesting an advisory opinion of the Court in any case covered by the preceding paragraphs, there shall be attributed to an objection of the United States the same force and effect as attached to a vote against asking for the opinion given by a Member of the League of Nations in the Council or in the Assembly.

If, after the exchange of views provided for in paragraphs 1 and 2 of this article, it shall appear that no agreement can be reached, and the United States is not prepared to forego its objection, the exercise of the powers of withdrawal provided for in Article 8 hereof will follow naturally without any imputation of unfriendliness or unwillingness to co-operate generally for peace and goodwill.

Before it dispersed on the 19th March the Committee of Jurists also adopted, for submission to the next session of the League Assembly, a number of amendments to the Statute of the Court.[1] The most important of these amendments were those dealing with the number and terms of service of the Judges of the Court. It was proposed that the number of Judges should be increased from eleven to fifteen, and that Deputy Judges should be abolished; that the Court should remain permanently in session except during the judicial vacations; and that Judges should not be permitted to 'exercise any political or administrative function, nor engage in any other occupation of a professional nature',[2] nor to act as agent, consul, or advocate in any case.[3] Thus Judges of the Court would in future occupy full-time posts, and, in consideration of this change, the rates of salary payable to them were to be increased. Amendments were also proposed in the

[1] The texts of the amendments proposed by the Committee are printed in *op. cit.*, pp. 84 *seqq.* In the course of the discussions Sir Cecil Hurst raised the interesting question whether, in the case of a dispute in which a British Dominion was concerned, that Dominion would be entitled to claim that a Judge of its nationality should sit on the Court in addition to a Judge of British nationality. The Committee, after a long debate, came to the conclusion, in which Sir Cecil Hurst concurred, that even if it were able to come to an agreement on this question, it would be going beyond the scope of its mandate to make recommendations on it. On the question of Judges from the Dominions, see an article by Professor W. Y. Elliott on 'The Riddle of the British Commonwealth' in *Foreign Affairs* of New York, April 1930.

[2] The original Statute had contained provisions prohibiting Judges from exercising any political or administrative function, so that it was only the second part of this sentence which constituted an innovation.

[3] In the original Statute this restriction had been limited to international cases.

articles dealing with the procedure for hearing labour cases and cases relating to transit and communications, and it was suggested that the Rules of Court laying down the procedure in regard to advisory opinions should be incorporated in the Statute as additional articles.[1]

The results of the Jurists' deliberations were incorporated in two reports, one of which dealt with the proposed amendments to the Statute and the other with the accession of the United States to the Protocol of Signature. The draft protocol for signature by the United States and the states already members of the Court was annexed to the second report. On the 12th June, 1929, the League Council adopted both reports. It decided to place the question of the accession of the United States to the Statute of the Court on the agenda for the tenth session of the Assembly, and to convoke a Conference of states parties to the Statute of the Permanent Court to meet at Geneva in September 1929, during the Assembly, in order to examine the amendments recommended by the Jurists. Subsequently, on the 31st August, the Council decided to ask the Conference of states signatories to deal also with the question of American accession.

In the meantime, the Jurists Committee's report on that question, together with the draft protocol, had been communicated to the Government of the United States and to states signatories of the Protocol of 1920, and on the 14th August, 1929, Mr. Stimson, Mr. Hoover's Secretary of State, had informed the Secretary-General of the League, in confidence, that in his opinion the draft protocol 'would effectively meet the objections set forth in the reservations made by the United States Senate' and that he would recommend it for signature and ratification as soon as it had been accepted by the other states concerned. When the Conference for the Revision of the Statute of the Court held its first meeting on the 4th September, the Secretary-General informed its members of the tenour of Mr. Stimson's communication, stating that it came from an authorized source, and on the same day the Conference unanimously adopted the protocol drafted by the Committee of Jurists in the previous March. The Conference made certain slight modifications in the amendments to the Statute proposed by the Jurists, and at its final meeting on the 12th September it adopted the amendments in their revised form, together with a protocol for putting the amendments into force.[2] On

[1] In this way the Statute would itself contain the provision which met the desire expressed in the first part of the fifth American reservation by stipulating that 'the Court shall deliver its advisory opinions in open Court, notice having been given to the Secretary-General of the League of Nations and to the representatives of States and Members of the League immediately concerned'.

[2] The text of the protocol and the amendments was published as the British

the 14th September the Assembly in plenary session adopted the amendments and the two protocols for the revision of the Statute and for the accession of the United States. The protocols were opened for signature on the same day, and by the first week in October the protocol for the revision of the Statute had been signed by forty-eight states and that for the accession of the United States by fifty.

On the 5th September, the day after the protocol for the accession of the United States had been approved by the Conference of states signatories, Mr. Stimson publicly expressed approval of the protocol, and on the 18th November he formally recommended the President to authorize signature of three protocols: that of signature of the Statute of the Court; that for revision of the Statute; and that for the accession of the United States. Mr. Stimson's letter reviewed the history of the movement for the accession of the United States to the Statute of the Court and pointed out that 'the dangers which seemed at the time that the question was last presented to this Government in 1926 to lie in the rendering of advisory opinions by the Court have now been entirely removed both by the action of the Court itself and by the provisions of these new protocols'. Mr. Stimson therefore recommended signature, and he added that 'by joining the Court the United States would resume its time-honoured place in the leadership of a great movement for the judicial settlement of international controversies'. Accession to the three protocols was authorized by President Hoover on the 7th December, 1929, and on the 9th December the United States *chargé d'affaires* at Berne duly affixed his signature to the documents.

The protocol for the accession of the United States to the Protocol of Signature was not to come into force, under the terms of Article 7, until 'all States which have ratified the protocol of December 16th, 1920, and also the United States, have deposited their ratifications'.

By the middle of May 1930 the protocol had been ratified by seven states, but no steps had yet been taken in the United States to bring the protocol before the Senate for approval. This delay gave time for the opposers as well as the supporters of the entry of the United States into the Court to mobilize their forces. It was notoriously impossible to forecast what the decision of the Senate would be on any question of foreign policy, and at the time of writing it seemed improbable that the accession of the United States to the Statute of the Court would become effective in the course of the year 1930.

White Paper *Cmd.* 3432 of 1929. For an analysis of the revised provisions of the Statute see two articles in the *Revue de Droit International*, vol. 3 (1929), pp. 340–79, and vol. 4 (1929), pp. 5–66.

PART I
WORLD AFFAIRS
B. ECONOMIC AFFAIRS
(i) International Conferences on Economic Co-operation.
(*a*) The World Economic Conference, May 1927.

The World Economic Conference which met at Geneva in May 1927 under the auspices of the League of Nations was the result of long and careful preparation. It was intended by its sponsors to be not merely an isolated event, but an important stage in the continuous work of international collaboration in the economic sphere,[1] which had been so successfully begun, though on a much more limited scale, in the Financial Conference at Brussels in 1920,[2] and to inaugurate a new method of periodical discussion of world economic problems. The proposal to hold a Conference of this nature was adopted by the Assembly of the League in a resolution passed on the 24th September, 1925.[3] A Preparatory Committee, consisting of thirty-five persons belonging to twenty-one different nationalities, was accordingly appointed by the Council of the League to organize the Conference and to prepare its agenda.

The original chairman of this Committee was Monsieur Ador (Switzerland), the former President of the Brussels Financial Conference, who was, however, unable to perform his duties owing to ill-health, and his place was taken by Monsieur Theunis, the former Belgian Prime Minister. The Committee, which met twice in full session, namely, in April and in November 1926, included among its members industrialists, merchants, agriculturists, financiers, officials,

[1] *Report of the Preparatory Committee of the World Economic Conference*, dated the 19th November, 1926.

[2] For a short account of this Conference, see the *Survey for 1920–3*, pp. 42–7.

[3] The text of the resolution was as follows: 'The Assembly, firmly resolved to seek all possible means of establishing peace throughout the world; convinced that economic peace will largely contribute to security among the nations; persuaded of the necessity of investigating the economic difficulties which stand in the way of the revival of general prosperity and of ascertaining the best means of overcoming these difficulties and of preventing disputes; invites the Council to consider at the earliest possible moment the expediency of constituting on a wide basis a Preparatory Committee which, with the assistance of the Technical Organizations of the League and of the International Labour Office, will prepare the work for an International Economic Conference.'

economists, and representatives of workers' and consumers' organizations. Working by sub-committees in collaboration with the Economic Section of the League, the International Labour Office, the International Institute of Agriculture, the International Chamber of Commerce, and Government Departments in various countries, the Committee as its first task prepared and published a remarkable series of documents designed to give not only a complete picture of world economic conditions, but also a great deal of specialized information on particular problems such as tariff barriers, dumping, cartels, &c., or on individual industries, e.g. coal, cotton, iron and steel, electrical industry, and so forth. In addition to these Conference Documents, which were regarded as carrying more than individual authority,[1] the Committee also published and circulated a number of monographs by individual experts.

In preparing the agenda for the Conference the Preparatory Committee drew up a plan dividing the procedure into two parts, viz. (1) a general discussion on the economic causes of the present commercial and industrial disequilibrium; and (2) a specialized discussion on particular problems affecting commerce, industry, and agriculture. Financial questions were not specifically included, as they had already been dealt with in great detail by the Brussels Conference in 1920. The form in which the agenda were drawn made it clear that the specialized discussion in the Conference would be focussed round three main questions—trade barriers, industrial agreements and cartels, and the all but world-wide agricultural depression. In proposing the composition of the Conference the Committee proceeded on the same principle as was adopted for the Brussels Conference. It was decided that the members of the Conference should be appointed by the various Governments, but that they should be chosen for their personal qualifications and not as spokesmen of any official policy. All Member States of the League and all non-Member States occupying a position of importance in the economic life of the world were invited to send delegates up to the number of five, as well as experts who would be permitted to attend the meetings but not to speak or to vote. The Council of the League reserved to itself the right of appointing a number of members chosen principally to represent special organizations.

As regards the formal conduct of the Conference, it was decided that only questions of procedure should be settled by a majority vote, and that in other cases decisions should not be taken by

[1] See the Introduction by Sir Arthur Salter to the *Guide to the Preparatory Documents of the Conference* (C.E. 1. 40).

voting, resolutions being passed unanimously where possible, where unanimity was unobtainable the names of the members in favour of any particular resolution being recorded. This procedure, again the same as that found suitable by the Brussels Conference, was held to be particularly appropriate to the character of the Conference, which was intended to be as unofficial as possible, in order to secure the greatest freedom of discussion. It was thus understood from the beginning that although the Governments appointed the delegates they were not to be held responsible for any opinions which they might express, nor were they in any way to be bound by their decisions.

The Conference opened on the 4th May, 1927. It was attended by 194 delegates from 50 states (counting in the British Dominions and the Free City of Danzig) and more than 200 experts. With the exception of Spain and Lithuania all the European nations were represented: most of the Central and South American republics sent delegations, the principal exceptions being the Argentine Republic, Bolivia, and Ecuador.[1] Among the non-Member States who took part in the Conference were the United States of America, Soviet Russia, Turkey, and Brazil, who had retired from the League simultaneously with Spain in 1926.[2] The Conference was thus in some respects the most widely representative body that had met under the auspices of the League. The first four days of the Conference were occupied in a general discussion of world economic problems viewed from the different and often opposite points of view of the various countries. In his opening speech the President, Monsieur Theunis, after sketching in brief outline the work which lay before the Conference, drew attention to a fact which revealed itself more and more clearly during the subsequent proceedings, namely, the specifically European character of most of the problems to be discussed. The Conference did not indeed confine itself to purely European issues, and the economic interdependence of the five continents into which the world is divided was constantly impressed by various speakers on the minds of the delegates. But from the outset the tone of the discussions was set by the predominantly European interests of the majority of the members, and though delegates from Asia, Africa, America, and Australasia made valuable contributions both to the general debates and to the work of the Commissions into which the Conference was divided, both the problems surveyed and the remedies

[1] The Republic of Mexico sent five representatives, who were officially described as observers.

[2] See the *Survey for 1926*, Part I A, Section (i).

recommended were clearly approached principally from the European standpoint.[1]

Monsieur Theunis devoted a considerable section of his speech to the disturbances and difficulties arising out of the economic changes brought about by the War, especially by trade barriers.

> Territorial changes and the instability of public finance and currency have had serious consequences. . . . The disruption of former economic markets, protective tariffs and other forms of protection, which have been established almost everywhere, and the instability of these tariffs themselves, have still further complicated the situation. Nations have shown an increasing desire to become self-supporting, while at the same time they have sought to create fresh trade outlets—two tendencies which obviously clash. The result, however, has been that customs barriers have been raised, completing the vicious circle. . . . There was no lack of reasons, or in some cases pretexts, to justify such a policy. The persons concerned sought to convince both others and themselves that high customs tariffs formed a defensive weapon . . . designed solely to restore an equilibrium unjustly disturbed . . . more particularly by what has been called 'exchange' dumping. Unfortunately . . . these tariffs were later retained under pressure from parties whose interests were protected by them. The result of these abnormal and artificial measures was to render the efforts made to increase output more and more futile. The first effect of restraints on trade is to impede or prevent the orderly distribution of products on which trade depends. . . . Every one realizes how dangerous these illogical tendencies are, both in themselves and as a result of the reactions to which they give rise.

In the general debate which followed, the subject of trade barriers was discussed from almost every conceivable angle by the representatives of the different nations. To extract from such a multiplicity of standpoints any common doctrine or belief would not be easy, but there were two chief points that seemed almost immediately to command general agreement, namely, (1) the economic solidarity of the world and the impossibility of national self-sufficiency as an economic ideal; and (2) the extreme unsatisfactoriness of the post-War tariff situation, viewed not so much from the abstract free trade standpoint, but rather in the light of the damage done to international trade by inequitable tariff technique, instability, discrimination, lack of uniformity, and so forth. Agreement on these two points led gradually to a further consensus of opinion, namely, that in general the level of tariffs was too high and that the increase, at any rate, must be checked. Each delegate, as the discussion proceeded, even if he would not admit that the national economic policy of his own

[1] Cf. the speech made on the 6th May by Mr. H. M. Robinson, the United States delegate. See *Report and Proceedings of the World Economic Conference* [C.E. 1. 46], vol. i, p. 94.

Government was at fault, became more and more strongly convinced that the tariffs of other countries were mischievous hindrances to world prosperity; and the logical and psychological deductions arising out of this consensus began quite early to dominate the atmosphere of the discussions.

The case for freer trade was argued most cogently by Mr. W. T. Layton (British Empire) who summed up in a striking sentence the effects upon European prosperity of the growth of trade barriers since the War of 1914–18.

> Eleven thousand kilometres of new tariff barriers: a population of at least ten millions whose wage-earners have no productive work: an annual expenditure of two and a quarter milliard dollars upon armaments. These are the symptoms of a disunited Europe.

If the Conference was to find any effective solution to this problem it must be based on three general ideas.

> The first is . . . that the interdependence of the nations of Europe is so close that their economic prosperity must rise or fall as a whole; individual nations—in spite of the appeal at times to the opposite—cannot hope in the long run to remain prosperous through their neighbours' misfortunes. Secondly, material well-being can only be achieved by economic production. Thirdly, Europe can only hope to keep abreast of industrial progress if her economic organization permits of specialization not merely between individual businesses, but between nations. This means not only increased international exchange in its broadest sense, but also an ever-increasing degree of economic interdependence, accompanied by much closer economic collaboration in many spheres than has existed in the past.

This general diagnosis of the situation proved in fact the basis upon which the Conference set to work, and in spite of the absence of agreement on abstract principles it succeeded in attaining unanimity in its recommendations by confining itself so far as possible to purely practical considerations. Had the theoretical issue of Free Trade versus Protection been raised, no useful results could have been obtained. The British, Dutch, Scandinavian, and to a lesser extent the German delegates held views which, speaking generally, might be classed as Free Trade, the representatives of some of the central European countries such as Poland and Hungary, on the other hand—not to mention Australia—were avowedly protectionist.[1] The French delegates, whose position was rather delicate in view of the task upon which their Government was engaged—that of revising their tariff in an upward direction—declined to commit themselves to any very definite

[1] Cf. the speeches made by Monsieur Gliwic and Count Jan Hadik (*Report and Proceedings*, vol. i, pp. 71–2, 114–17).

views and evaded the issue by laying stress upon international industrial agreements;[1] the Soviet delegates were frankly sceptical.[2] Yet, notwithstanding this fundamental diversity of fiscal principle, in the practical field of commercial policy a large measure of agreement was quickly apparent. It was generally felt that the existing situation was intolerable and that the manner in which tariffs and other trade barriers were employed was far more damaging to trade than the mere existence of the tariffs as such. The enormous diversity of customs classification, the discriminatory uses to which it was often put, the arbitrary increases in duties which were in many cases resorted to, and the overt employment of the *tarif de combat* as a weapon of commercial policy, the continued existence of a system of prohibitions and licences, the multifarious methods of indirect subsidies—all these offered a wide field for discussion and gave scope for important practical proposals.

On the subject of international industrial agreements, the chief advocate of which was Monsieur Loucheur (France), it was much more difficult to find any consensus of opinion. Whereas some of the delegates were inclined to find in the formation of international cartels the true antidote to excessive protectionism, others clearly looked upon them with the greatest suspicion. This suspicion was by no means confined to the representatives of Labour: it was expressed very forcibly by the veteran Swedish economist Professor Cassel, and to some extent also by the delegates of two of the countries which had had the widest experience of industrial cartels and trusts, namely Germany and the United States. This fear of the dangers of monopolistic abuses also inspired the proposal for the creation of a separate economic organization of the League which was strongly but unsuccessfully urged by the workers' representatives.[3]

The attitude of the representatives of the Union of Soviet Socialist Republics was awaited with some interest. In reply to the invitation extended by Mr. Layton to the Russian delegates to indicate the

[1] Cf. the speech of Monsieur Loucheur (*op. cit.*, pp. 129–34).

[2] Cf. the remarks made by Monsieur Obolenski-Ossinski (*op. cit.*, pp. 125–9.)

[3] This proposal was embodied in two documents, the 'memorandum on economic tendencies capable of affecting the peace of the world' submitted by Mr. Pugh—which had been adopted by the General Council of the British Trades Union Congress and the National Executive Committee of the Labour Party—and the 'Declaration made to the International Economic Conference' which was signed by the following workers' representatives—MM. Diamand (Poland); Eggert (Germany); Mme. Freundlich (Austria); MM. Johansson (Sweden); Jouhaux (France); Mertens (Belgium); Nielsen (Denmark); Oudegeest (Holland); Pugh (Great Britain); Tayerle (Czechoslovakia); and Weber (Switzerland)—*Report and Proceedings*, vol. i, pp. 231–4.

prospects under present conditions of economic intercourse with Russia, Monsieur Sokolnikov admitted the need for co-operation with the 'Capitalist' world, and maintained that the Soviet monopoly of foreign trade did not close the Russian market to foreign industry. While extolling the achievements in the economic sphere of the Soviet régime, he did not disguise the fact that foreign capital and foreign credits were necessary for any rapid development of Russian resources. Monsieur Obolenski-Ossinski adopted a rather more truculently propagandist attitude, but he also repudiated the idea of any inherent necessity for conflict between the Socialist system as exemplified by the Soviet Republics and the 'Capitalist' world. The U.S.S.R. delegation even went so far as to throw out, in private, feelers concerning negotiations on the subject of pre-War debts,[1] after advocating in public the mutual cancellation of all War commitments.[2] In the discussions in committee it became clear that the radical difference between the Soviet economy and the economic system of the rest of the world made it very difficult for the Soviet representatives to contribute much to the work of the Conference. Their attention seems in fact to have been concentrated on criticizing the attitude of the workers' representatives of the other European nationalities for their desire to co-operate on equitable terms with the employers. A continuous dialectical duel between the Socialism of the 'Third International' of Moscow and that of the 'Second International' of Amsterdam provided one of the most interesting features of the Conference. Indeed, so great was the disparity between the views expressed by the Russian delegates and those held by the rest of the Conference that, almost to the end, it was feared that no unanimous recommendations would be possible. Finally, however, the Soviet delegates were induced to abstain from the deliberate destruction of the unanimity of the Conference's resolutions.

After four days' debate in plenary session the Conference broke up into three Commissions devoted respectively to Commerce, Industry, and Agriculture. In the first Commission (Commerce) of which Mr. Colijn (Holland) was chairman, the question of customs tariffs provided the chief subject of discussion. A number of draft resolutions were proposed by Monsieur Serruys (France), which provided the basis upon which the Commission got to work. On the crucial subject

[1] Cf. the dispatch of the special correspondent of *The Times* in the issue of the 11th May, 1927. These *démarches* met with a cold reception as being inappropriate to an unofficial conference, and the Soviet delegates were consequently referred to the ordinary diplomatic channels.

[2] Cf. the speech of Monsieur Obolenski-Ossinski (*Report and Proceedings*, vol. i, p. 129).

of tariff levels, the French resolution was couched in very guarded phraseology, which seemed capable of covering a multitude of interpretations.

> Whereas customs barriers have been continuously raised since the War and the economic stagnation of Europe is in part attributable to this cause; whereas, though every state should retain as one of the indefeasible privileges of its sovereignty the right to adjust its tariffs to suit the requirements of its economic life or its finances, it is none the less certain that there is a close dependence between the degree of customs protection which the various competing countries resort to, and this interdependence affects their economic policy; whereas unnecessarily high customs protection has in many countries created or maintained industries which are not viable, thus imposing an intolerable burden on the consumer or interrupting the normal currents of supply or leading to European overproduction; . . . the International Economic Conference recommends:
>
> (1) That states, subject only to the requirements of their national security or the vital interests of their economic life, should as far as possible give their industry protection limited to counterbalancing more favourable conditions of production or a more advantageous régime of prices in the principal competing country;
>
> (2) That states, recognizing the interdependence between customs protection in the various competing countries, should refrain from unduly increasing such protection . . .

The notion of a *tarif de compensation* on which this resolution was based was severely criticized by Professor Cassel on the ground that it is impossible to arrive at any reliable calculation of comparative costs in different countries. The dangers of so ambiguous and so much-qualified a statement were pointed out by Mr. Layton and Mr. Runciman, who pleaded for far more energetic measures. Under the terms of the French resolution a justification might have been found for any existing tariff and for any increase which a Government might choose to make in the future. Indeed, the definition of the *tarif de compensation* could have been made to cover without much difficulty almost any tariff short of an absolute prohibition.[1] It soon became clear that if the Conference was to succeed in its main object, that of drawing the attention of Governments and of public opinion generally to the desirability of lowering tariff barriers, a much more unequivocal and more decisive formula would have to be found. After a prolonged discussion in drafting committee, agreement was finally reached on the terms of a resolution which left no room for mistaking its real meaning as a plain and vigorous recommendation

[1] Cf. the dispatches of the special correspondent of *The Times* of the 11th and 12th May. In the published proceedings most of the traces of this controversy were omitted.

demanding an immediate movement in the direction of freer trade.[1]

In the second Commission (Industry), the chairman of which was Dr. Hodáč (Czechoslovakia), the chief subjects discussed were rationalization and international industrial agreements and cartels. On the first of these subjects a good deal of nervousness was exhibited by the workers' representatives, some of whom expressed their anxiety lest the process of rationalization should lead to an increase in unemployment. Though by no means opposed to rationalization in so far as it implied an increase in the efficiency of production, they emphasized the need for safeguards which would ensure to the workers a due share of any increase in prosperity. On the subject of international industrial *ententes* and cartels opinion was very sharply divided. Some of the consuming countries, e.g. Sweden, were inclined to look with suspicion upon any extension of monopolistic power. The advocates of international agreements of this type, of whom the most prominent representative was Monsieur Loucheur,[2] were consequently unable to elicit any unanimous expression of principle in favour of these *ententes*. The resolution finally adopted by the Commission confined itself to a balanced statement setting forth the conditions under which these industrial agreements are beneficial or the reverse. Some of the workers' representatives were in favour of charging the League of Nations with the supervision of all international industrial agreements. A draft resolution was proposed by Monsieur Jouhaux (France) demanding the establishment of a system of guarantees to safeguard the interests of the public for which a new international organization was to be responsible.[3] This proposal was rejected, but a clause was inserted in the report of the Commission recommending the League of Nations to follow closely these forms of international co-operation and their effects upon technical progress, labour conditions, and prices, and to collect relevant data with a view to publishing information on them from time to time.

The third Commission (Agriculture), of which Dr. O. Frangesch

[1] See pp. 103–5 below.

[2] Cf. *The Times* of the 17th May, 1927.

[3] Among the measures recommended in this resolution were: (1) standardization of national legislations concerning industrial combines by means of a convention; (2) publication of statutes and contracts of international cartels through the League; (3) establishment of national bodies for the purpose of discovering, investigating, and suppressing secret and unlawful agreements, these bodies to include consumers' and workers' representatives; (4) attachment of these bodies to an international body which should form part of the international economic organization analogous to the International Labour Office; (5) suitable national and international procedure and sanctions. For the text of the resolution see *Report and Proceedings*, vol. ii, p. 168.

(Jugoslavia) was chairman, concerned itself chiefly with three problems: the disparity between prices of agricultural products and manufactured goods, the organization of co-operative societies, and the question of agricultural credit. With respect to the latter a proposal was submitted by Monsieur Lubienski (Poland) and Monsieur Sečérov (Jugoslavia) which received the support of the Bulgarian, Turkish, French, and Italian delegates, recommending the establishment of an international agricultural credit institution. This proposal was opposed by Dr. Kissler on behalf of the German delegation and was finally rejected. It was felt that, in view of the inquiry into the question of agricultural credit being conducted by the International Agricultural Institute in Rome, a recommendation of this nature would be premature.

The reports of the three Commissions were submitted to a plenary session of the Conference on the 21st May and were adopted, the delegates of the U.S.S.R. alone voting against them. The United States delegates abstained from voting on the resolution in the Report of the Commission on Industry which dealt with industrial ententes and cartels.[1] The action of the U.S.S.R. delegates in voting against the reports of the three Commissions caused considerable surprise, in view of the undertaking which they had been understood to have given previously to the Co-ordination Committee.[2] However, on the 23rd May, when the final report of the Conference was presented, which embodied, besides the three reports of the Commissions, a preamble and a number of general resolutions, the Soviet delegation contented themselves by refraining from voting, and, instead of opposing the report, transmitted to the Secretariat a list of the resolutions in favour of which they wished it to be understood that they had voted.

[1] The motives which induced the United States delegation to adopt this course of action were explained by Mr. Henry M. Robinson as follows: 'So far as the Committee on Industry is concerned, the United States members are in full accord with that part of the resolutions which relates to rationalization. We believe that on the subject of cartellization an adequate picture is given of the changing conditions of so-called cartels and trusts, and that the proposal does not, as it should not, show a static condition, and for that reason the definition of cartels is not particularly clear. In the United States of America we have legislation of a restrictive nature in respect of the so-called trusts in that country. We believe that that legislation and the decisions taken under it express the attitude and philosophy of the American people. . . . Because of these facts and because we believe that this is the attitude of our people, we feel constrained to refrain from voting on that part of the resolutions of the Committee on Industry which relates to cartellization. But we are in no way in opposition to the resolutions.' (*Report and Proceedings*, vol. i, p. 147.)

[2] Cf. *The Times*, 23rd May, 1927.

In his closing speech the President (Monsieur Theunis), after summing up the work of the Conference, emphasized the need for a continuous effort to instruct public opinion.

> Now that we have laid down in your resolutions the principles upon which economic policy should be based, we should ask ourselves if our work is finished. Most certainly it is not; I might even say that our work is only begun. . . . Your work cannot prove effective unless the peoples of the world themselves give to your recommendations the support of their interest and of their power. . . . To-day we have completed the first stage, and we may well be proud of what we have done. But we must not forget that our success will depend on the measure of our perseverance. . . .By contributing to the framing and adoption of our recommendations we have assumed a real moral obligation to disseminate, to defend, and to secure the triumph of the truths which we have formally proclaimed. . . . When we resume our everyday duties, we must endeavour constantly to devote to these truths a part of our thoughts and efforts.

The chief recommendations of the Conference may briefly be summed up as follows:[1]

Liberty of Trading.

(1) *Import and Export Prohibitions and Restrictions.** These were condemned on the ground that experience had shown that their grave drawbacks had not been counterbalanced by financial advantages or social benefits. It was therefore important that Governments should forthwith abandon them. Governments were therefore recommended to adopt at the diplomatic Conference, already convened for the 14th November, 1927,[2] a convention based on the draft already prepared by the Economic Committee of the League and circulated to non-Member as well as to Member States, in order to secure their abolition by concerted and simultaneous action. The application of the principles contained in this draft should not be indirectly defeated by export duties, the fixing of quotas, health regulations, or any other measures not justified by exceptional or imperative circumstances.

(2) *Commercial Equality of State Enterprises and Private Enterprises.** Discrimination in favour of state enterprises was condemned in the following terms:

> When a Government carries on or controls any commercial, industrial, banking, maritime transport or other enterprise, it shall not, in its character as such, and in so far as it participates in enterprises of this kind, be treated as entitled to any sovereign rights, privileges, or immuni-

[1] The U.S.S.R. delegates voted against resolutions marked *.

[2] The date of the Conference was actually put forward to the 17th October. For its work, see pp. 109–10 below.

ties from taxation or from other liabilities to which similar privately owned undertakings are subject, it being clearly understood that this recommendation only applies to ordinary commercial enterprises in time of peace.

(3) *Legal Provisions or Regulations relating to International Trade.* The Economic Committee of the League should pursue the investigations undertaken with a view to the simplification of customs formalities, the assimilation of laws on bills of exchange, the international development of commercial arbitration and the suppression of unfair commercial practices. The Council of the League was also recommended to take steps to submit to states for signature at an early date a protocol providing for the execution of arbitral awards on commercial questions.

(4) *Economic and Fiscal Treatment of Nationals and Companies of one Country admitted to settle in the Territory of another.** The work already devoted to this subject by the League of Nations and by the International Chamber of Commerce should be considered and coordinated by the appropriate organs of the League with a view to a diplomatic Conference for the purpose of drawing up an international convention for defining the status of foreigners, abolishing unjust distinctions between them and nationals, and preventing double taxation. Pending the conclusion of this international convention, bilateral agreements should be arrived at.

Customs Tariffs.

(1) *Simplification of Customs Tariffs.* Increases in the number of tariff headings and sub-headings were condemned as a considerable obstacle to the development of international commerce, especially sub-headings which were merely intended to discriminate between articles of different origin.

(2) *Unification of Tariff-Nomenclature.* The Council of the League was recommended to take the initiative in drawing up appropriate procedure for establishing a systematic customs nomenclature in accordance with a general plan covering all classes of goods, starting with those classes of goods for which it could most readily be introduced. Governments were accordingly recommended either by bilateral or by multilateral conventions to apply this common nomenclature, when established, and to bring their methods of levying duties into conformity with it.

(3) *Stability of Customs Tariffs.** Governments were recommended to refrain from making frequent or sudden changes in their customs duties and in making commercial treaties to conclude them for as long

a time as possible, thus following the policy practised by a large number of countries before the War.

(4) *Application of Customs Tariffs.* No opinion was expressed as to the respective advantage and drawbacks of *ad valorem* and specific duties, but Governments were recommended to make provision in case of disputes for equitable procedure by appeal to ordinary or administrative courts in which the importer could be heard or defend his interests.

Commercial Policy and Treaties.

The recommendations under this heading were the most significant section of the report. They contained a general statement of principle on the subject of tariffs and trade barriers, which was an unequivocal declaration in favour of immediate action, directed to a demobilization of these impediments to international trade. Among the mass of technical information and technical recommendations produced by the Conference these recommendations stand out as strokes striking to the heart of the economic evils of the age.

After an analysis of the causes which had led to the growth of trade barriers since the War, which called special attention to the undesirable practice of enforcing exaggerated *tarifs de combat*, the resolution declared 'that the time has come to put an end to the increase in tariffs and to move in the opposite direction', and recommended 'that nations should take steps forthwith to remove or diminish those tariff-barriers that gravely hamper trade, starting with those which have been imposed to counteract the effects of disturbances arising out of the War'. The downward movement of trade barriers should be initiated by an effort directed along three lines, namely: (1) individual action by states with regard to their own tariffs; (2) bilateral action through the conclusion of commercial treaties; (3) collective action with the assistance of the Economic Organization of the League. The report drew attention to the deplorable effects of the War in destroying 'the system of commercial treaties by which easy and fruitful international relations were previously ensured', owing to the very short periods for which post-War commercial treaties had been concluded, to the abandonment of the principle of the most-favoured-nation clause, and to the difference in contractual methods which had often indirectly caused tariffs to be raised.

> The Conference regards these facts as necessitating immediate action by Governments with a view to concluding treaties as comprehensive and permanent as possible, in order to improve and standardize the methods of treaty-making themselves. . . . The mutual grant of uncon-

ditional most-favoured-nation treatment as regards customs duties and conditions of trading, is an essential condition of free and healthy development of commerce between states . . . It is highly desirable, in the interests of stability and security for trade, that this treatment should be guaranteed for a sufficient period by means of commercial treaties. While recognizing that each state must judge in what cases and to what extent this fundamental guarantee should be embodied in any particular treaty, the Conference strongly recommends that the scope and form of the most-favoured-nation clause should be of the widest and most liberal character, and that it should not be weakened or narrowed either by express provisions or by interpretation.

In order to carry out these recommendations, the report called upon the Council of the League of Nations to entrust to the Economic Organization the task of proposing, after consultation with the Governments concerned, the measures best calculated to secure either identical tariff systems in the various European countries, or at least a common basis for commercial treaties, as well as the establishment of uniform principles as to the interpretation and scope of the most-favoured-nation clause. The Economic Organization of the League was also invited to examine 'the possibility of further action by the respective states, with a view to promoting equitable treatment of commerce by eliminating or reducing the obstructions which excessive customs tariffs offer to international trade'.

In addition to customs tariffs the report also dealt with two other types of fiscal measures which hindered trade, viz. export duties on raw materials, and the different types of subsidies, direct or indirect, to industry or transport. The resolution on export duties declared that these should only be resorted to in order to meet essential needs of revenue or some exceptional economic situation; they should not discriminate between different foreign destinations, and they should be as low as possible; in any case they should never be used for the special purpose of subjecting foreign countries to a burden which would place them in a position of unfair inferiority as regards the production of finished articles. With regard to subsidies, whether direct or in the form of credits or guarantees, the Conference merely expressed the hope that Governments would, so far as possible, refrain from having recourse to them. The connexion between dumping and high import duties was also recognized, as these gave facilities for practising this method of indirect subsidy.

The Conference considers that dumping must be reduced to a minimum, and that in order to attain this object every possible measure should be taken to establish universally stable conditions of production . . . and to reduce the excessive customs tariffs of exporting countries. The Conference recommends, however, that importing countries which

find themselves compelled to take defensive measures against dumping should not resort to excessive, indirect, or vexatious measures, which would have a more far-reaching effect than is intended.

The section on commerce concluded with a resolution on discriminations arising from the conditions of transport. On this subject a number of efforts had already been made since the War, e.g. by various states working through the Organization for Communications and Transit of the League of Nations, to restore the normal conditions existing before the War. Four general conventions had already been framed, two at Barcelona, in 1921, on Freedom of Transit, and on the Régime of International Navigable Waterways, and the other two at Geneva in 1923, one on the International Régime of Railways, and one on the International Régime of Maritime Ports. A number of states, however, had not hitherto acceded to them, and of those which had, some had failed to ratify these instruments. In view of the fact that a general Conference on Communications and Transit had been called by the League of Nations to meet at Geneva in August 1927, the Economic Conference abstained from framing any detailed technical resolutions on this subject, but confined itself to more general recommendations, urging the ratification of the conventions already referred to, including the Geneva Convention of 1923 on the simplification of customs formalities.[1]

Industry.

The resolutions on industry fell under three main headings: rationalization, international industrial agreements, and industrial information.

(1) *Rationalization.* The resolution on rationalization, after setting forth the principal aims of rational organization, namely, the securing of the maximum efficiency of labour, the reduction of useless variety of patterns and the standardization of designs, the avoidance of waste in materials and power, the simplification of the distribution of goods, commended its judicious application as calculated to secure greater stability and a higher standard of living, in the shape of lower prices to the community and higher and steadier remuneration to the producer. Governments, public institutions, and trade organizations were recommended to encourage the investigation and comparison of the most adequate methods of rationalization and scientific management, and to apply them in industry, agriculture, and trade, including not merely large, but also medium and small undertakings, and to give special attention to methods of work and remuneration calcu-

[1] See the *Survey for 1925*, vol. ii, pp. 97–8.

lated to ensure the healthiest employment, a due amount of leisure, and a fair share to the worker in the increase of output. The standardization of materials, parts, and products of all types on an international as well as a national basis was advocated in order to remove the obstacles to production arising from a purely national policy of standardization. The resolution also emphasized the necessity for taking due care not to injure the legitimate interest of the workers, and recommended that suitable measures be provided where, owing to economy of labour, the process of rationalization might result in increased unemployment.

(2) *Cartels and Industrial Agreements.* The section of the report which was devoted to international industrial agreements was framed in very cautious terms. Owing to the conflict of opinion which made itself felt during the discussions, the Conference recognized 'that the phenomena of such agreements . . . does not constitute a matter upon which any conclusion of principle need be reached'. International industrial agreements must be considered as good or bad according to the spirit which ruled their constitution and operation, and in particular according to the measure in which those directing them were actuated by a sense of the general interest. As these agreements were usually limited to branches of production which were already centralized, and to products supplied in bulk or in recognized grades, they could not be regarded as a form of organization which could by itself remove the causes of the troubles from which the economic life of Europe particularly was suffering. Nevertheless, subject to certain conditions, they could secure a more methodical organization of production and a more rational grouping of undertakings, and so act as a check on uneconomic competition, and reduce the evils arising from fluctuations in industrial activity. On the other hand, by encouraging monopolistic tendencies they might check technical progress in production, and endanger the legitimate interests of certain sections of society and of particular countries. It was imperative, therefore, that such agreements should not lead to an artificial rise in prices, and that they should give due consideration to the interests of the workers. So far as the supervision of industrial agreements limited to the producers of a single country was concerned, each Government must adopt such measures as it thought advisable. It was not desirable, however, that national legislation should create any obstacle to the attainment of the benefits which they might secure. With respect to international agreements, owing to the divergences of national legislation on the subject, an international

juridical régime was impossible. On the other hand, it was desirable that voluntary recourse to arbitral bodies by parties to these agreements should become general. The League of Nations was also recommended to study these agreements closely, and to observe their effects upon technical progress, the development of production and the movement of prices, and to collect the relevant data with a view to publication at suitable intervals, on the ground that publicity constituted one of the most effective means of securing public support to agreements which conduced to the general interest and of preventing the growth of abuses.

(3) *Industrial Information.* Under this heading the report recommended that the statistical monographs on world production and trade, and on specific industries and commodities, prepared for the use of the Conference, should be taken as the starting-point for future studies. Statistics of this kind should be obtained regularly for each country in order to render possible the completion of quantitative indices of national production for the chief industries of each country. Governments were exhorted, therefore, to take periodically complete industrial censuses. In order to obtain comparable and uniform statistics from each state, the Economic Organization of the League of Nations was recommended to take steps to secure that Governments, in collaboration with the chief industries, should arrive at international agreements concerning the definition of the terms, the methods and the scope of the statistics, and to collate the information provided concerning sources of supplies and raw materials, production, stocks, prices, &c., data concerning wages, and hours of employment, &c., being computed by the International Labour Office.

Agriculture.

The section of the report devoted to agriculture began with a number of resolutions, the most important of which was devoted to tariffs and export prohibitions and duties.

> In those states in which customs protection is maintained, it should be reduced, both for industry and agriculture, to the lowest possible point indispensable to production; care should be taken to assist in the maintenance of an equitable balance between industry and agriculture, and not to stifle one to the advantage of the other. The system of export prohibitions and export duties (with the exception of taxes levied for the benefit of the industry concerned) and frequent changes in customs tariffs . . . should be definitely abandoned.

The special resolutions included recommendations in favour of the development of co-operative institutions, both of producers and consumers. On the producers' side the increasing use of co-operative supply societies and selling agencies was advocated, as well as the encouragement of co-operative credit organizations with a view to increasing the purchasing power of agriculturalists both as producers and consumers, by reducing to a minimum the costs of distribution. Special emphasis was laid on the development of direct relations between producers' and consumers' co-operative societies, as tending to eliminate superfluous middlemen, and so establishing prices advantageous to both parties. International agreements between co-operative agricultural organizations were also recommended with regard to a number of products. On the question of agricultural credit, the Conference contented itself with a general resolution requesting the League of Nations 'to give full consideration to the documentation of the International Institute of Agriculture with a view to examining the probability of international collaboration in respect of agricultural credit'.

The report closed with a number of miscellaneous general resolutions. Of these, the most important was concerned with economic tendencies affecting the peace of the world. It laid stress on the dependence of the maintenance of world peace upon 'the principles on which economic policies of nations are framed and executed, and recommended that 'the Governments and peoples' of the countries represented at the Conference 'should together give continuous attention to this aspect of the economic problem', and looked forward 'to the establishment of recognized principles designed to eliminate those economic difficulties which cause friction and misunderstanding'. Other subjects dealt with in these resolutions were education and publicity and armament expenditure. The final resolution was devoted to the Economic Organization of the League of Nations. It expressed the conviction of the Conference that the success of its work would 'depend upon the execution of the principles laid down'. Without making any specific suggestions as to the action to be taken on the recommendations of the Conference, or advocating the creation of any new permanent organization, it drew the attention of the Council to the 'well-balanced composition of the Preparatory Committee'.

The report of the Conference was submitted to the Council of the League on the 16th June, 1927, by Dr. Stresemann, upon whose motion the Council passed a resolution taking note of the report and

commending it to the consideration of all Governments.[1] A large number of states, including the principal European Powers, expressed their general approval of the recommendations of the Conference either in their own Parliaments or else at the meetings of the Council and Assembly of the League. In order to ensure that the work of the Conference should not be allowed to lapse into oblivion, the Assembly, in September 1927, recommended the constitution of a body modelled on the lines of the Preparatory Committee of the Conference, which was to be termed the Economic Consultative Committee. The Committee was formally appointed by the Council in two resolutions of the 28th September and the 6th December, 1927. Its principal function was to follow up the application of the recommendations of the Economic Conference, to note from time to time the degree to which practical expression had been given to these recommendations by the various Governments concerned, and to suggest further lines of advance. The history of this body, and the relative failure of the movement towards the demobilization of tariffs which culminated in the Tariff Truce Conference of February 1930, will be treated in a subsequent volume.

(*b*) The Conference on Import and Export Prohibitions and Restrictions, October 1927.

The diplomatic Conference convened by the League of Nations to draw up a convention on the abolition of import and export prohibitions and restrictions met at Geneva on the 17th October, 1927. Thirty-three states took part in the Conference, two of which, the United States and Egypt, not being members of the League, had

[1] The full text of the resolution was as follows:

The Council takes note of the Report of the World Economic Conference;

(1) Tenders its most cordial thanks to the President, M. Theunis, to all members and experts present at the Conference, as well as to all organizations and individuals who have assisted in its preparation;

(2) Considers that the Conference has fully carried out its task of setting forth the principles and recommendations best fitted to contribute to an improvement of the economic situation of the world and in particular to that of Europe, thus contributing at the same time to the strengthening of peaceful relations among nations;

(3) Commends this valuable Report and these important Recommendations to the favourable consideration of all Governments;

(4) Reserves for examination at its next session the changes that might prove desirable in the Economic Organization of the League of Nations in view of the results of the Conference, and invites the Economic Committee in the meantime to meet in extraordinary session in order to begin at an early date a preparatory study of the resolutions of the Economic Conference with regard to customs tariffs, and more particularly with regard to the unification of tariff nomenclature.

accepted the invitation to participate. The Government of the U.S.S.R., however, was not represented. The basis of discussion was provided by a draft convention prepared by the Economic Committee of the League and communicated to the various Governments by the Council of the League of Nations in October 1925. After some three weeks' deliberation a convention was agreed on consisting of eighteen articles, a protocol, and a final act. Articles 1 and 2 stipulated that, with certain reservations, the signatories agreed to abolish all import and export prohibitions and restrictions within six months of the coming into force of the convention. Art. 4 enumerated exceptions to the convention, namely, restrictions imposed for public safety, public health, the protection of national treasures and currency, as well as the traffic in arms. Art. 5 stipulated that nothing in the convention should affect the right of any of the high contracting parties to adopt measures for the protection of vital interests in abnormal circumstances, but only in a temporary manner. A large number of reservations were attached to the convention; no less than fifteen countries formulated exceptions to the general provisions permitting them to maintain certain prohibitions and restrictions which were regarded as vital to their interests. Thus Great Britain confined its reservation to synthetic and organic dye stuffs prohibited under the Dye-Stuffs (Import Regulations) Act of 1920. The German reservation was formulated conditionally, so as to give Germany, in the event of other states maintaining certain prohibitions and restrictions, the right to maintain the prohibitions then in force on imports and exports of coal, coke, peat, lignite, briquettes, scrap iron, &c. The French reservation maintained the prohibition on the export of scrap iron, which was retained also by Italy in addition to export prohibitions on several other commodities.

At the conclusion of the session a number of states, including Great Britain, France, Germany, Italy, Austria, Belgium, Denmark, and Czechoslovakia, announced their intention to sign the convention immediately. The Irish, Indian, Polish, Swedish, and Jugoslav Governments requested time to re-examine the revised draft. The convention was subsequently amended by a supplementary agreement drawn up in July 1928 and the time limit for ratification was also extended. Owing, however, to the difficulty of obtaining the necessary eighteen ratifications, the convention had not come fully into force at the time of writing.

Under the terms of a protocol drawn up in Paris on the 20th December, 1929, concerning the coming into force of the convention of October 1927, that instrument should have been ratified by

Poland and Czechoslovakia before the 31st May, 1930, in order to become binding upon all the signatories of the protocol. An extension of the time-limit until the 20th June, 1930, in respect of Poland, and until the 26th June, 1930, in respect of Czechoslovakia, was agreed to by the contracting parties. Czechoslovakia deposited the instrument of ratification of the convention on the 25th June; but Poland announced that she was obliged to postpone her accession to the convention until freedom of circulation had been re-established and guaranteed internationally in all departments of Polish foreign trade; or, alternatively, until such time as she could adequately secure for her exports, through bilateral agreements, natural markets now closed by artificial import regulations.

The abstention of Poland, and the declaration of Czechoslovakia, to the effect that the coming into force of the convention, so far as concerned herself, must depend on its ratification by Poland, caused certain Governments, namely those of Germany, Austria, Belgium, Hungary, Italy, Luxembourg, Rumania, and Switzerland, to announce that, as from the 1st July, 1930, they would cease to consider themselves bound by the convention, since the conditions on which they had been willing to accede to it had not been fulfilled. By the terms of the Protocol of Paris, the other Governments (Denmark, France, and Jugoslavia) also ceased to be bound by the convention as from the 1st July, 1930, since the conditions on which they had been willing to accede to it had not been realized.

The resulting situation on the 1st July, 1930, was that only Great Britain, the United States of America, Japan, Norway, the Netherlands, and Portugal continued to be contracting parties to the convention.

(ii) The History of German Reparations from the Dawes Plan to the Young Report.

(*a*) Introduction.

When the Dawes Plan was put into operation in the autumn of 1924, few people would have been found rash enough to prophesy that within five years a further agreement would have been reached between Germany and the Creditor Powers with the purpose of providing a final solution of this problem, the most formidable of those which stood in the way of a return to normal economic conditions in post-War Europe. During the first few years of this quinquennium the attention of every European country was fortunately directed towards its own internal affairs, so that, though there was constant

discussion and criticism in Germany itself, the Plan was allowed to function in an atmosphere of tranquillity. The only serious interruptions—and they were never allowed to assume threatening proportions—were the discussion in 1927 of the priority of Reparation payments by the German Reich over such foreign commitments as the service on foreign loans, whether state or private, and the exchange of correspondence between the Agent-General for Reparations Payments and the German Finance Minister on German financial policy in the autumn of 1927. But already in 1927 rumours had begun to circulate that the question was to be re-opened with a view to the conclusion of a final settlement; and when, in September 1928, negotiations at Geneva with a view to setting up a new Committee of Experts for this purpose began in earnest, the stage was set for the drama which was to occupy the attention of the world for the next eighteen months.

The present account carries the story of Reparations down to the signature of the Young Report in Paris on the 7th June, 1929. Throughout the post-War period the occupation of the Rhineland by the Allied Powers was of course closely intertwined with the Reparations problem; but as the history of the events leading up to the final evacuation of the Occupied Territories on the 30th June, 1930, is fully dealt with elsewhere,[1] this part of the problem is not touched on in this section. The subsequent history of the proposals made by the Committee of Experts, including the two Conferences at The Hague in 1929 and 1930, the establishment of the Bank for International Settlements, the Conference at Paris in April and May 1930, and the issue of the Reparations Loan in June 1930, is reserved for later treatment.

It is not our purpose here to repeat the account of the Dawes Plan and the subsequent negotiations which was given in the *Survey for 1924*.[2] But it may be useful to recall the main principles underlying that Plan. The Dawes Committee laid emphasis on two main aspects of their proposals, of which the first was that a solution of the Reparations problem could only be achieved by treating it as a business rather than a political problem, while the second was that their Plan was only temporary and intended 'to facilitate a final and comprehensive agreement upon all the problems of Reparations and connected questions, as soon as circumstances make this possible'. Within this framework and dependent upon the restoration of German economic unity and the stabilization of the currency, the

[1] See Part II, Section (i) of the present volume.
[2] *Survey for 1924*, pp. 340–99.

Plan provided, after a short moratorium, for the payment by Germany of an annual contribution rising for five years by fixed annual amounts until a so-called 'standard annuity' was reached. Provision was also made for additional payments, to be made in suitable circumstances, which should be based on the movements in an index of prosperity. The Committee were satisfied that their proposals did not do more than impose on Germany a burden of taxation broadly commensurate with the burdens borne by the taxpayers of the creditor countries. No limit was fixed to the number of years for which these total payments were to be made.

These annuities were to be derived from three main sources: (*a*) a charge on the Budget; (*b*) the issue of interest-bearing first mortgage bonds on the railways (which were to be converted into an independent company) and the proceeds of a transport tax; and (*c*) the issue of interest-bearing first mortgage debentures on all industrial concerns. The revenues from alcohol, tobacco, beer, sugar, and customs duties were pledged as collateral; a first charge on these revenues was later included in the security allotted to the service of the External Loan of 1924.

It was also clear to the Dawes Committee that some form of organization would have to be set up by which a measure of control could be retained sufficient to ensure the carrying out of the obligations which Germany had undertaken. Accordingly, there were appointed: (*a*) a Trustee for the Railway Bonds; (*b*) a Commissioner for the German Railways and a number of non-German representatives on the Managing Board of the Railway Company; (*c*) a Trustee for the Industrial Debentures and a number of Allied representatives on the Board of the new Bank for German Industrial Debentures; (*d*) a Commissioner of the Reichsbank and a number of non-German members of the general Council of the Reichsbank; and (*e*) a Commissioner of the Controlled Revenues. Above all these, and co-ordinating their work, was the Agent-General for Reparation Payments, who was an American, Mr. S. Parker Gilbert (except during the first few months, when another American, Mr. Owen Young, was serving *ad interim*). Obviously, the employment of all the coercive measures open in the last resort to the administrators of the Plan would have profoundly affected Germany's national life. It is, however, perhaps more than anything else, indicative of the change in attitude which accompanied the putting into force of the Dawes Plan that this machinery was not used for the purpose of interfering in German economic or political development, but was kept in reserve as a means of strengthening the hands

of the German authorities themselves in carrying out their obligations under the Plan. The general attitude adopted by the Allied representatives was well illustrated by the series of semi-annual reports issued by the Agent-General for Reparation Payments, in which the whole economic situation in Germany was reviewed and dangerous tendencies were pointed out, but without any attempt to dictate to the German Government the time or method of dealing with them.

Such were, in brief, the provisions of the Dawes Plan laying down the amount to be paid annually by Germany and the method of raising and safeguarding their payment. There remained the problem of how such sums, which would naturally be in German currency, should be transferred to the Creditor Powers. The Dawes Plan proposed boldly to put the responsibility of transfer on to those Powers; and a Transfer Committee of five members and a Chairman (the Agent-General for Reparation Payments) was set up, whose duty it was to convert the Reichsmarks received from Germany into the requisite foreign currencies, and which had power to suspend transfers if the stability of the German currency were threatened.

It would seem, therefore, that the authors of the Plan felt that, to enable Germany to recover from the series of shocks which the body economic and politic had suffered since the War and to make it possible for the Creditor Powers to collect any sum on account of Reparations which would appear to them reasonable, it was necessary to have a period of calm in Europe and recuperation in Germany. They realized that, in the atmosphere engendered by the occupation of the Ruhr and with the chaotic condition of Germany's economic life which was its consequence, it was impossible to attempt any permanent settlement which would be acceptable to both sides. They therefore wisely restricted themselves to a temporary and experimental scheme, which would restore to Germany her economic independence and throw on the Creditor Powers the responsibility of only extracting so much from her as was economically possible, while putting in their hands machinery which would be effective if Germany did not do her utmost to carry out her obligations under the Plan. It was manifest from the beginning that there were many points which would require modification; but the inclusion, on the one hand, of the index of prosperity, which kept Germany's liability indefinite, and, on the other hand, of the Transfer Committee, offered a margin for future negotiations. In the outcome, not only were all the provisions of the Plan punctually carried out, but negotiations for a final settlement were undertaken by mutual agreement far sooner than could have been anticipated.

(*b*) Germany's Payments.

During the whole period of the Dawes Plan Germany fulfilled her obligations promptly and fully. Between the 1st September, 1924, and the 31st August, 1929, her annuities due and paid totalled 7,970,000,000 gold marks; and by the 17th May, 1930, when the Dawes Plan came to an end and the Young Plan entered into force, Germany's annuities, plus interest and net gains in exchange, aggregated no less than 7,993,000,000 gold marks—or practically £400,000,000 sterling. Though a large number of important economic questions remained unanswered, the raising and transfer of this huge total had been successfully effected by the machinery of the Dawes Plan.

In view of the importance of the transfer problem alike in the negotiations for a final Reparations settlement and in the economic problems involved in the ultimate payment of Reparations by Germany to the Creditor Powers and the fulfilment by the ex-Allies of their financial obligations to the United States, it is as well to examine fairly closely the general operation of the transfer machinery and, in particular, the working of the system of deliveries in kind and of the British and French Reparations Recovery Acts. The summary table on page 117, therefore, shows the total both of Germany's annuities under the Dawes Plan and of transfers made to the Creditor Powers.

This table, while showing strictly the amounts respectively paid in marks and in foreign currencies, nevertheless requires further elucidation before it throws light on the problem of payments made across the exchanges by the purchase of foreign currencies with available mark resources. The details which are required for this purpose appear from considering the types of payments included under each head. Reichsmark payments, which amounted on the average to more than half of Germany's total payments under the Dawes Plan, comprised: (i) deliveries in kind; (ii) costs of the Armies of Occupation; (iii) costs of Inter-Allied Commissions; and (*d*) miscellaneous items. The principal item under this head was deliveries in kind, which accounted, for example, for roughly three-fifths of all transfers in the second annuity year and for roughly two-fifths of all transfers in the fifth annuity year, and which were consistently the largest single means of transferring Reparations which the Dawes Plan employed. Payments in foreign currency, on the other hand, included: (*a*) the service of the Dawes Loan; (*b*) payments under the British and French Reparations Recovery Acts;

(*c*) deliveries under agreement to the United States; (*d*) costs of Inter-Allied Commissions; (*e*) actual cash transfers; and (*f*) miscellaneous items. The amounts and proportions of these items varied from year to year;[1] but at no time did actual cash transfers, the vital item from the standpoint of the future, exceed 35·8 per cent. of Germany's total payments; and indeed this proportion was attained only once under the Dawes Plan, viz., in the fifth annuity year.

The facts and figures just given show the important part played by deliveries in kind as a means of transferring Reparation payments. This was recognized by the Dawes Committee, and, indeed, these deliveries formed an essential part of their scheme. The part of their Report dealing with this matter stated that 'deliveries in kind in their financial effects are not really distinguishable from cash payments', but added that they 'are now an inevitable part of the economic conditions of several of the Allies and cannot be wholly removed without considerable dislocation; if the principle is not carried too far, they may represent a stimulus to German productivity and therefore the creation of a greater export surplus; they may help in avoiding such surplus being absorbed by the prior action of private German investment abroad. In this connexion, the maintenance of the system of deliveries in kind, if not carried too far, may act in a manner to keep the transfer as large as possible and to give the Allies priority'.[2] In addition, since it was necessary with a view to Germany's economic recovery that, during the first two years of the scheme, the major part of her payments should be made in German currency inside Germany, the system of deliveries in kind was intended to play an important part in transferring these payments to the Allied Governments.

Prior to 1924 deliveries in kind had also been made. They had consisted chiefly of coal, coke, dyestuffs and other heavy merchandise and had been bought by the German Government and delivered to the Allied Governments. The German Government had then reimbursed the German producers of the goods and had been credited on Reparation account with the amount paid to their own nationals. Under agreements made in 1921 and 1922 the system had been enlarged to include deliveries made under direct contracts between Allied and German citizens.

[1] e. g. Item (*a*) amounted to 97·2 million marks in the second annuity year and to 89·3 million marks in the fifth annuity year; item (*b*) to 243 millions and 402 millions respectively; item (*c*) to nil and 45 millions; item (*d*) to 4·2 millions and 5·4 millions; while item (*e*)—cash transfers—totalled 65 millions in the second annuity year and 876 millions in the fifth.

[2] *Report of the First Committee of Experts* (*Cmd. 2105* of 1924), p. 34.

SUMMARY OF ANNUITIES RECEIVED AND TRANSFERS MADE UNDER THE DAWES PLAN FROM 1ST SEPTEMBER, 1924 TO 17TH MAY, 1930 (in millions of Gold Marks).[1]

Period covered (Annuity Years running from 1st September to 31st August).	*Annuities Received: Amount.*	*Transfers Made*				*Total Transfers.*
		In Foreign Currencies.		*By Reichsmark payments.*		
		Amount.	*Per cent.*	*Amount.*	*Per cent.*	*Amount.*
First Annuity Year (1924–5) . .	1,000·0	271·3	*30·37*	622·0	*69·63*	893·2
Second Annuity Year (1925–6) . .	1,220·0	415·7	*35·35*	760·2	*64·65*	1,175·9
Third Annuity Year (1926–7) . .	1,500·0	683·5	*49·45*	698·6	*50·55*	1,382·1
Fourth Annuity Year (1927–8) . .	1,750·0	943·2	*54·23*	796·1	*45·77*	1,739·3
Fifth Annuity Year (1928–9) . .	2,500·0	1,418·5	*57·83*	1034·3	*42·17*	2,452·8
Period 1st September, 1929 to 17th May, 1930	—	101·4	*33·18*	204·2	*66·82*	305·6
Total Annuities	7,970·0					
Total interest received and net gains in exchange (entire period 1st September, 1924 to 17th May, 1930)	23·0					
Totals.[2]	7,993·0	3,833·6	*48·23*	4,115·4	*51·77*	7,949·0
Bank balances and other funds available upon demand as at 17th May, 1930						14·7
Total discount on advance payments of Railway Bonds and Industrial Debentures (five years)						29·3
Grand Total.						7,993·0

[1] Compiled from the Agent-General's *Report* for the 21st May, 1930, p. 334.
[2] Differences due to rounding off.

This system, however, was cumbrous, and the Dawes Plan and the subsequent London Agreement considerably simplified it. They provided that all Reparation payments should be made into the account of the Agent-General for Reparation Payments with the Reichsbank and that the Agent-General should then pay cash to the German producers against the appropriate documents. The whole process was thus assimilated as nearly as possible to ordinary commercial usage.

The actual machinery for the placing of orders for executing the deliveries was determined by a special committee, set up under the London Agreement, which made a series of regulations (known as the Wallenberg Regulations) covering the whole matter of procedure. Under these regulations, the procedure for placing a contract for deliveries in kind was, generally speaking, as follows: A French importer would contract with a German manufacturer for the delivery of machinery; the actual contract followed ordinary commercial practice, except that the German exporter agreed to accept his price from the office of the Agent-General for Reparation Payments and the French buyer agreed not to re-export his purchase. The contract was then sent to the Paris office of the Reparation Commission for approval and afterwards to the Transfer Committee. When the date of payment arrived, the French Government made out a draft upon their credit with the Agent-General, and handed over this draft to the French buyer who paid the French Government according to agreed terms. The buyer then endorsed the draft and forwarded it to his German creditor, who had it collected in the ordinary way through his bank; and the final payment was then made by the Agent-General out of the general funds provided by the German Government on Reparations account.

The procedure was essentially similar when one of the Creditor Governments was the purchaser, save that in this case the financial return was obtained either by re-selling the commodity in its own country or by using it in a Government Department.[1]

The Wallenberg Regulations provided that practically any commodity or service produced in Germany could be sold under a delivery in kind contract, subject to certain important reservations. Thus, the delivery of gold and certain foodstuffs was entirely prohibited; livestock was allowed to be delivered only up to specified limits; and commodities containing a large amount of imported raw materials were only allowed to be delivered on con-

[1] See *Report of the Agent-General for Reparation Payments*, November 1925, pp. 25–6.

dition that the purchaser paid a sum in cash equal to the cost of the imported raw material. These exceptions were made in order that too great a strain should not be thrown upon the German economic system and also in order that no artificial demand for imported goods should be stimulated in Germany.[1]

The Wallenberg Regulations came into force on the 1st May, 1925, and were subject to revision on the 1st April, 1927, at the request, made before the 1st January, 1927, of any of the Creditor Powers, of Germany, of the Reparation Commission, or of the Transfer Committee. No important modifications were suggested, however, and it was agreed that the regulations should remain in force for another year. In effect, deliveries in kind continued to be governed by these regulations until the Dawes Plan was eventually superseded by the Young Plan. Nevertheless, one or two interesting modifications were made in the system. The Wallenberg Regulations provided mainly for deliveries in kind under ordinary commercial contracts. Annex V of Part VIII of the Treaty of Versailles provided for the delivery of coal from Germany to France at either the German pit-head price to Germans, plus freight, or the British pit-head price for export coal, plus freight, whichever was the less. This process was assimilated more nearly to commercial practice by a convention dated the 20th October, 1926, between the French Office of Devastated Mines and the Rhenish Westphalian Coal Syndicate. This convention, which was afterwards approved by the two Governments, provided for the sale of coal by the Coal Syndicate to French purchasers under ordinary commercial contract; the purchase price was in all cases to be paid to the French Office of Devastated Mines, which, in turn, settled with the Coal Syndicate on an agreed basis through the Agent-General for Reparation Payments. This convention came into force on the 1st January, 1927, for a preliminary period of six months; after some delay it was eventually confirmed by both parties on the 1st July, 1928, and continued to function very successfully thereafter. A similar contract was also concluded between the Coal Syndicate and Belgium, and the already existing Italian contract with the Coal Syndicate was extended so as to be on the same footing as the other two.[2]

The full importance of deliveries in kind in the general scheme of Reparation payments is plainly brought out by the following table, which shows the total Reparations transferred in each annuity year

[1] *Op. cit.*, p. 24.

[2] *Reports of the Agent-General for Reparation Payments*, 10th June, 1927, p. 15; 7th June, 1928, p. 21.

(1st September–31st August) and the amount transferred by deliveries in kind.

	Total Reparations Transferred.	*Transferred by Deliveries in Kind.*	*Percentage of Total.*
	(Millions of Gold Marks.)		
			%
First Annuity Year (1st Sept., 1924–31st Aug., 1925) . .	893	414	46·4
Second Annuity Year (1925–6) .	1,176	656	56·0
Third Annuity Year (1926–7) .	1,382	617	44·6
Fourth Annuity Year (1927–8) .	1,739	725	41·7
Fifth Annuity Year (1928–9) .	2,453	985	40·2

From the above table it is evident that the system of deliveries in kind worked very much as was intended in the Dawes Plan; that is to say, it fulfilled an important function in the early years of the Plan and became gradually of less importance as the German economy grew stronger and increased its capacity to make cash transfers to the Allied creditors.

The major part of the deliveries in kind consisted of Germany's largest natural products, such as coal, coke, and lignite, dyestuffs, and chemical fertilizers, together with freight charged on them. In the first annuity year ending the 31st August, 1925, deliveries of coal, coke, and lignite (together with freight charges on them) alone accounted for over 70 per cent. of all deliveries in kind. But though these heavy raw materials continued to form the larger part of deliveries in kind, other commodities were also exported within the framework of the system. 'In the earlier years the other predominating deliveries consisted of wood, construction iron, and cattle, for the reconstruction and rehabilitation of the areas invaded during the War. Later on, as this work approached completion, the more important deliveries consisted of wood pulp, paper, sugar, machinery and other materials and equipment for agriculture and industry.'[1] In the later years of the scheme a further tendency began to show itself. From 1927 onwards an increasing number of public works contracts were placed by France and Belgium and to a lesser extent by Jugoslavia, Portugal, and Greece. These contracts covered a very wide range of constructional services such as harbour dredging, the construction and outfitting of quays and quay-railways at Havre and Bordeaux, the laying of long-distance telephone cables, the boring of a mine in Lorraine, harbour work in Madagascar, constructional and

[1] *Report of the Agent-General for Reparation Payments*, 22nd December, 1928, p. 24.

repair work on roads and canals, and the installation of factories. In the fourth annuity year ending the 31st August, 1928, contracts were passed by the Transfer Committee amounting in all to nearly 140,000,000 Reichsmarks, while in the fifth annuity year contracts amounting to 237,000,000 Reichsmarks were passed. From the point of view of France and Belgium these public service contracts were by no means the least important part of the system for absorbing deliveries in kind, for by this means they were enabled to make essential capital improvements in their national equipment, and, moreover, these improvements were not confined to the areas devastated by the War. They would, of course, have preferred to obtain cash payments, but—failing this—accepted the execution of these works at no cost to themselves.

The importance of the British and French Reparation Recovery Acts as a means of transferring Reparation Payments has been indicated by the figures already given.[1] The machinery of these Acts may usefully be examined rather more closely.

The German Reparation (Recovery) Act was the title of an Act passed in Great Britain in March 1921, with the object of collecting Reparations by means of an *ad valorem* levy not exceeding 50 per cent. on the value of all German goods imported into Great Britain. It was not intended to act as a tariff wall against German goods and consequently it depended for its effective operation on the capacity of the German Government to re-imburse the German exporter with the amount withdrawn in Great Britain. At the beginning of its operation the maximum levy of 50 per cent. was enforced, but on the 17th May, 1921, this was reduced to 26 per cent.; and a further reduction to 5 per cent. took place in February 1924, owing to the refusal of the German Government to return to their nationals the amount collected in England. The 26 per cent. levy was, however, restored in August 1924, as soon as it became evident that the Dawes Plan was to go into force.

In France a similar Act was passed in April 1921, though it did not come into force until the 1st April, 1924. The rate levied was 26 per cent. and the Act was administered on much the same lines as the British Act.[2]

The experts engaged in formulating the Dawes Plan found some difficulty in fitting the machinery of the Reparation Recovery Acts into the rest of their scheme. Under the Plan the responsibility for re-imbursing the German exporters would fall upon the Agent-

[1] See Item (b) footnote, p. 116 above.
[2] *Report of the Agent-General for Reparation Payments*, 30th May, 1925, p. 22.

General for Reparation Payments rather than upon the German Government, since the obligation of the German Government was fulfilled as soon as they had paid the amount of the annuity into the Agent-General's account with the Reichsbank; and this responsibility could only be discharged satisfactorily if an effective control could be exercised over these payments. A further difficulty lay in the fact that the amount of Reparations collected under the Reparation Recovery Acts depended on the volume of exports from Germany to the countries in which these Acts were in force, and this volume of exports had no relation to the distribution of Reparations agreed upon in the Plan. Thus, because of the magnitude of Germany's exports to Great Britain, it was found that Great Britain was receiving rather more of the monthly annuity than was properly due to her; arrangements were subsequently made to adjust this situation by repayment of the surplus.

Negotiations intended to alter the method of collection under these Acts were, therefore, started in December 1924; and after some preliminary difficulties an agreement was reached in March 1925. The collection of the old 26 per cent. was discontinued in Great Britain from midnight on the 9th April, and the new scheme came into operation immediately thereafter. This new scheme was based on the voluntary surrender by the German exporters of part of the sterling proceeds accruing to them from their shipments to Great Britain. By the end of May 1925, 1,200 German exporting firms, representing 90 per cent. of the trade with Great Britain, had fallen in with the scheme and had agreed to surrender 30 per cent. of their sterling proceeds. This percentage was delivered to the Reichsbank; and out of the amount thus acquired the Reichsbank made payments each month into the account of the Agent-General for Reparation Payments with the Bank of England, these sums representing the sterling equivalent of the Reichsmark credits held by him for the British Government. As soon as he was notified of the deposits thus made, the Agent-General reimbursed the German exporters against the appropriate documents, and, subject to the approval of the Transfer Committee, paid over his sterling credits to the British Government. An arrangement was also made by which the British Government refunded to the Agent-General the surplus above their proper share which had been acquired under the former method of collections. This scheme was found to work quite satisfactorily and the major part of the British annuity under the Dawes Plan was collected by means of it.

In May 1925 a slightly different scheme was prepared in order to

bring the administration of the French Reparation Recovery Act under the control of the Transfer Committee. Under this scheme the French Government paid the proceeds of the 26 per cent. levy into the Agent-General's account with the Banque de France; the Agent-General then repaid these sums to the French Treasury, and reimbursed the German exporters from his Reichsmark account in Berlin. This system of administration continued until March 1928, when, by mutual agreement between the French and German Governments, the French practice was assimilated to the British method already described above. The method of collection under the British system was found to be less burdensome and it was hoped that its adoption in France would stimulate the German export trade to that country.

The distribution of Germany's payments amongst the Creditor Powers—which in the past had proved scarcely less contentious a matter than the actual levying of Reparations—was regulated during the operation of the Dawes Plan by the financial agreement reached in Paris on the 14th January, 1925;[1] and the amounts and proportions actually received by each creditor are shown in the table on p. 124.

This table shows that the principal beneficiary under the Plan was France, which received half of all the sums paid by Germany, or more than all the other Creditor Governments put together. Great Britain, with receipts amounting to about one-fifth of the total, came next; Italy and Belgium followed with approximately one-fourteenth each; Jugoslavia and the United States received, roughly, one-thirtieth each; while the remaining creditors were likewise paid varying small sums. Approximately one-twentieth of Germany's payments represented the service of the Dawes Loan, while other prior charges, principally the cost of Inter-Allied Commissions, required less than one per cent. of the total.

The facts and figures given in this section make it abundantly clear that, for the Creditor Powers at all events, the position created by the Dawes Plan was at least tolerable. Nevertheless, from their standpoint as well as from Germany's, there were sound reasons for seriously considering a final revision of the Dawes Plan if and when the right opportunity presented itself; and accordingly it is to the various stages of the movement for revision that we now turn.

[1] Between the Governments of Great Britain, Belgium, France, Italy, Japan, the United States of America, Brazil, Greece, Poland, Portugal, Rumania, Jugoslavia, and Czechoslovakia. See the *Survey for 1924*, pp. 396–9; and *Cmd. 2339* of 1925.

TRANSFERS UNDER THE DAWES PLAN FROM 1ST SEPTEMBER, 1924 TO 17TH MAY, 1930, SHOWING DISTRIBUTION AMONG CREDITOR POWERS.[1]

(In millions of gold marks.)

Annuity Years beginning 1st Sept., and ending 31st Aug.	*First Annuity Year.*	*Second Annuity Year.*	*Third Annuity Year.*	*Fourth Annuity Year.*	*Fifth Annuity Year.*	*Period 1st Sept., 1929, to 17th May, 1930.*	*Totals.*	*Per cent.*
Transfers to Creditor Powers (*a*)								
France	396·6	565·7	638·3	862·5	1,270·6	205·5	3,939·2	*49·56*
Gt. Britain	189·9	226·7	302·5	367·0	530·5	37·7	1,654·4	*20·81*
Italy	61·4	77·1	92·8	119·5	175·8	29·6	555·1	*6·98*
Belgium	93·5	116·4	68·6	108·6	126·1	14·3	527·5	*6·64*
Jugoslavia	30·1	38·2	46·3	58·5	90·3	11·7	275·2	*3·46*
U.S.A.	—	14·9	98·8	85·2	100·2	1·5	300·4	*3·78*
Rumania	7·4	9·0	10·6	15·4	23·8	1·0	67·2	*·85*
Japan	3·8	2·8	10·1	9·1	12·8	6·4	45·1	*·57*
Portugal	4·7	6·3	8·1	10·1	14·4	1·3	44·9	*·56*
Greece	2·6	3·2	4·2	4·4	6·9	2·4	23·7	*·30*
Poland	(*c*)	·2	·2	·3	·6	·1	1·4	*·02*
Totals (*b*)	789·0	1,060·2	1,280·7	1,640·5	2,352·0	311·7	7,434·2	*93·53*
Service of Dawes Loan 1924	77·5	97·2	91·3	90·5	89·3	*Dr. 6·0*	439·8	*5·53*
Other Prior Charges, principally Costs of Inter-Allied Commissions	26·7	18·4	10·1	8·3	11·5	*Dr.* (*c*)	75·0	*·94*
Total Transfers (*b*)	893·2	1,175·9	1,382·1	1,739·3	2,452·8	305·6	7,949·0	*100·00*

(*a*) Including allowances for army costs (both current and in arrears), the Belgian war debt allotments, and the allowances for restitution. (*b*) Differences due to rounding off. (*c*) Less than 50,000 gold marks.

[1] Compiled from the Agent-General's *Report* for 21st May, 1930, p. 335.

(c) The Movement for Revision.

The concluding sentence of Part I of the Experts' Report in 1924 ran as follows: 'We would point out finally that while our plan does not, as it could not properly, attempt a solution of the whole reparations problem, it . . . is so framed as to facilitate a final and comprehensive agreement as to all the problems of reparation and connected questions as soon as circumstances make this possible'.[1] Such a statement, justified as it was by the nature of the Dawes Plan and of the circumstances in which it had been prepared, was nevertheless bound to be the prelude to long discussions; and so it eventually proved.

During the first two years of the working of the Dawes Plan, i.e. until the latter part of 1926, Germany—and the rest of Europe—was too fully occupied with the problems of internal reconstruction to have much serious thought to spare for the question of revision. The Dawes Plan set a definite and limited task before Germany and the Reparation Commission; and the performance of this task, together with the work of internal reconstruction, required all their efforts. The Agent-General for Reparation Payments emphasized this aspect of the situation in his first two reports. In the first of these documents, dated the 30th May, 1925, he said: 'The results achieved in these directions (i.e. the stabilization of the German budget and currency) do not by themselves mark a final readjustment. They are rather the starting-point from which readjustment must proceed'; [2] while in his second report, dated the 30th November, 1925, he struck the same note in the following statement: 'It is clear . . . from the review that has been given of credit and business conditions that the road to recovery is not yet fully travelled and that many difficulties remain to be overcome'.[3]

From time to time during these two years rumours were heard to the effect that plans were being framed in various quarters to revise the Dawes Plan and to capitalize the German debt after its net amount had been settled. Such rumours were particularly numerous in April, May, and June of 1926. They received no support, however, until the publication of the Agent-General's Report, dated the 30th November, 1926, at the end of which appeared the following statement: 'When events have moved further and we can see more clearly

[1] *Cmd. 2105* of 1924, p. 43.
[2] *Report of the Agent-General for Reparation Payments*, 30th May, 1925, p. 55.
[3] *Report of the Agent-General for Reparation Payments*, 30th November, 1925, p. 102.

the effects of international payments of this character on the economic development of the world, we may perhaps look forward to the further and more comprehensive settlement that the Experts foresaw in the concluding words of their Report [1] . . . Manifestly the time for this has not yet come.'[2]

These words were very cautious, and four months had to elapse before their full effect on Germany's hopes of revision became evident. On the 31st March, 1927, however, the Budget debate in the Reichstag was the occasion for a popular demonstration by all parties in favour of a revision of the Dawes Plan, and the course of the debate showed clearly that the revision movement had been greatly stimulated by the Agent-General's November report. The most notable speech on the subject was made by Herr Dessauer of the Centre Party, who said that the fact that Reparation payments were now being made with comparative ease did not prove that this would always be the case. Hitherto large foreign loans had been made to Germany every year, but these could not be expected to continue permanently. He admitted that the Dawes Plan had hitherto worked well, but referred to the passage from the Agent-General's report which is quoted above as proof that the time for revision was approaching. His chief argument in favour of revision was that the artificial stimulation of German exports caused by the Plan would, in the long run, do considerable harm to the rest of the world. Herr Dessauer concluded his speech with an appeal for serious consideration of revision, based on the claim that Germany, having once more taken her place in the comity of nations, had a right to have her total obligation fixed. *The Times*, in reporting this debate, said that in the development of the revision movement, which had already been evident for some time in industrial and financial, as well as in political circles, Herr Dessauer's speech marked a definite stage.[3]

Nevertheless, the Budget debate produced no official results, and indeed it was stated that Herr Dessauer's speech caused anxiety rather than sympathy in interested circles abroad, especially in the United States. Unofficially, however, it was probably the direct cause of the very persistent rumours which began to circulate in Berlin immediately afterwards. Towards the end of March, Mr. Otto Kahn, a well-known American banker, arrived in Berlin and had an interview with Herr Stresemann. On the 11th April a Nationalist news-

[1] i.e. the concluding words of Part I of this Report, quoted in the preceding paragraph but one above.

[2] *Report of the Agent-General for Reparation Payments*, 30th November, 1926, p. 106.

[3] *The Times*, 1st April, 1927.

paper—the *Deutsche Zeitung*—published a scheme for the extension of the Dawes Plan which, it alleged, had been recently put forward. It was stated that the recent united demonstration in the Reichstag had aroused misgivings regarding Germany's capacity to pay future Dawes annuities. New sources of revenue were, therefore, to be tapped in order to relieve the strain on the German Budget. For this purpose it was proposed to transform the postal service into a limited company, to create a tobacco monopoly, to extend the spirits monopoly, and to use the German sugar industry as a part guarantee of the Dawes annuities. The *Deutsche Zeitung's* statement was greeted by an immediate official denial, but the rumour that Mr. Kahn had proposed this scheme to Herr Stresemann and the Agent-General nevertheless persisted. Eventually two more denials had to be issued, one from official sources and the other from Mr. Kahn himself. It is probable that this particular rumour had a political origin in the desire of the Opposition parties to represent Herr Stresemann as associated with a scheme for the 'economic enslavement' of Germany and thereby discredit him; but even so it was significant of the trend of thought in Berlin.

After this episode the rumours died down again for some time, and when Dr. Schacht, the President of the Reichsbank, visited New York in July 1927, he stated that the revision of the Dawes Plan was not under consideration and was not likely to be until at least the end of the fourth year of the Plan in August 1928. In early September it was stated that the revision campaign had again been revived in Berlin and that discussion was concentrating on the fixation of the total debt. But this report apparently died down and no more was heard of it.

The next stage in the revision movement—and the most important of all—was the publication in December of the Agent-General's Report for the third year of the Dawes Plan. In his summing-up at the end of this report, Mr. Parker Gilbert made some very striking observations and recommendations on the Plan and its future, of which the most important were the following:

> It is necessary, of course, in forming judgements to make allowances not merely for the inherent difficulties of the internal questions which may be involved, but also for the inherent weaknesses of any protected system. The very existence of transfer protection, for example, tends to save the German public authorities from some of the consequences of their own actions, while on the other hand the uncertainty as to the total amount of the reparation liabilities inevitably tends everywhere in Germany to diminish the normal incentive to do the things and carry through the reforms that would clearly be in the country's own interests.

> The Experts looked upon the protected system established by the Plan as a means to meet an urgent problem and to accomplish practical results. The only alternative to it is the final determination of Germany's Reparation liabilities, on an absolute basis that contemplates no measure of transfer protection.
>
> The Experts did not indicate when in their opinion such a settlement would become possible in fairness to the interests of all concerned. That would indeed have been beyond their power to foresee; but they did describe the Plan as providing a settlement extending in its application for a sufficient time to restore confidence, and they felt that it was so framed as to facilitate a final and comprehensive agreement as to all the problems of Reparation and connected questions as soon as circumstances make this possible. We are still in the testing period, and further experience is needed before it will be possible to form the necessary judgements. But confidence in the general sense is already restored, and the proof of it is present on many sides. It is, in fact, one of the principal factors to be relied upon in bringing about a mutually satisfactory settlement when the time for that arrives. And as time goes on, and practical experience accumulates, it becomes always clearer that neither the Reparation problem nor the other problem depending upon it will be finally solved until Germany has been given a definite task to perform on her own responsibility, without foreign supervision and without transfer protection.[1]

This report provoked considerable comment in many quarters, but particularly in France and the United States. Mr. Mellon, Secretary of the United States Treasury, commenting on Mr. Parker Gilbert's suggestions, was reported in *The Times* to have said that payments under the Dawes Plan could not in any circumstances be linked up with the question of Inter-Ally Debts. *The Times* went on to say that in France the proposals were regarded as an attempt to revise the Dawes Plan and to revise it downwards, and that, in view of Mr. Mellon's statement, such a revision could not prove acceptable to France, since any further reduction in Germany's Reparation payments to France without a corresponding reduction in the amounts due from France to her creditors would cast additional and intolerable burdens upon the French tax-payer.[2] French feeling calmed down, however, and the scene shifted back to New York, where, on the 5th January, 1928, the *Journal of Commerce* published a detailed scheme for the settlement of the Allied Debts and German Reparations. Briefly speaking, the scheme involved the fixing of the Reparation debt at a lower figure than had hitherto been considered, the issue of a large amount of German bonds for the benefit of France, the cancellation

[1] *Report of the Agent-General for Reparation Payments*, 10th December, 1927, p. 171.

[2] *The Times*, 22nd December, 1927.

of British claims on Germany and the flotation of additional German bonds in the United States, to be used for the full payment of Inter-Ally Debts. It was alleged that this scheme was favoured in official circles in Washington and that the United States Government would, in the near future, take the initiative in summoning an international Conference to discuss the revision of the Dawes Plan on the basis of this scheme. In view of the fact that the scheme outlined above was in complete opposition to the established Washington doctrine, there was no occasion for surprise when Mr. Mellon published an unusually emphatic denial on the 6th January, the day after its first appearance. Summarizing Washington opinion on this denial, *The Times* correspondent pointed out that the outlines of American debt policy were already fixed and well known and that in any case it was for the European creditor nations to make the first move in settling the Reparation problem. One of the fundamental principles in American debt-policy—that is to say, the principle of 'no connexion' between Reparations and War Debts—made it impossible for the United States to take any action in the matter.[1]

Apart from such irresponsible stories and rumours, it seems probable that a certain amount of serious discussion of the revision problem was going on, though no published evidence is available to support this view. Mr. Parker Gilbert was in America at the beginning of January and saw there Mr. Mellon and several American financiers; it was even stated that he had discussed with them a new plan for the settlement of the Reparation problem. On his return from America Mr. Parker Gilbert went first to Paris, where he saw MM. Poincaré and Briand, and later, on the 20th January, to Brussels, where he saw the Prime Minister, Monsieur Jaspar. No official statement was made regarding the subjects of discussion at these interviews, but it is possible that one of their results may be found in Monsieur Poincaré's speech at Carcassonne on the 1st April, 1928.

In this speech Monsieur Poincaré referred to the placing on the market of the German industrial and railway debentures as envisaged by the Dawes Plan, and said that France would welcome any plan which would effect this, provided that her security and her right to Reparations were safeguarded.[2] These observations, cautious as they were, marked a significant stage in the slow progress of the revision movement, inasmuch as they were the first sign that any responsible statesman outside Germany was seriously considering the revision of the Plan. In the French view, however, the Reparation problem was still indissolubly bound up with the question of Inter-Ally Debts,

[1] *The Times*, 7th January, 1928. [2] *Le Temps*, 4th April, 1928.

and consequently Monsieur Poincaré's suggestion that a plan for the flotation of the Dawes debentures would be welcomed by France, was received with some scepticism in Paris. Monsieur Henri Bérenger, the negotiator of the French debt agreement with the United States, published a statement in which he declared that the proposal might be worth re-examination, but that it could only confer very doubtful advantages on the Creditor Powers, unless the totals of the Inter-Ally Debts were once more reduced. The official French view, as reported in *The Times*, was to the effect that no good could come from reopening the Reparation question, unless the United States first took the initiative in reopening the question of the War Debts, an eventuality which did not seem immediately probable.[1]

Monsieur Poincaré's speech was the subject of as much comment in the United States and in Germany as in Paris. In America the reception was, on the whole, very cautious, and most papers refused to commit themselves, but pointed out that, in any case, no action could well be taken before the conclusion of the elections in France, Germany, and the United States. An encouraging sign, however, was that several newspapers recognized the interdependence of the two problems of War Debts and Reparations, thereby opposing the official American view. In Germany the French suggestions were received in a similarly cautious frame of mind, though the tone of comments was rather more hopeful. It was taken as a good sign that Monsieur Poincaré appeared at last to be ready to abandon the astronomical figure of 132 milliards of gold marks which had been laid down as the total of German Reparations in 1921. On the other hand, it was emphatically declared that no solution of the problem could take place which mortgaged Germany's political or economic future or which was not prepared with the free and willing collaboration of the Reich.

In the other countries directly interested in Reparations—namely, Great Britain, Belgium, and Italy—less interest was aroused by the Carcassonne speech, and in each case comment was more or less confined to a few warning words designed to safeguard their own national interests. In London the project was not really taken seriously, or at best was regarded as premature. From the financial point of view the flotation of the German railway and industrial debentures was considered impracticable, while it was argued that the only nation to gain from such a course of action would be France and that the other countries interested could only suffer.[2] The project was also stigmatized as premature in Germany.

[1] *The Times*, 5th April, 1928. [2] *The Observer*, 8th April, 1928.

The interest aroused by Monsieur Poincaré's speech was sustained by the arrival of the Agent-General for Reparation Payments in Rome on the 6th April. Although it was stated that he had gone there for the Easter holidays, and that his visit was of a purely personal nature, rumours began to circulate and a close watch was kept on Mr. Parker Gilbert's movements. While in Rome Mr. Gilbert had interviews with Signor Mussolini, Count Volpi, the Italian Finance Minister, and also with the German Finance Minister, Herr Köhler, who happened to be in Rome at the time; but, when asked for a statement, the Agent-General denied that any special significance attached to these interviews.

The stir which these proposals produced died away for the time being in the middle of April. Their results were still seen, however, in the more or less irresponsible stories which circulated from time to time. In the middle of May a rumour appeared in Berlin to the effect that the German Government had received a note from the British Government regarding the Reparation question, and that the attitude of the British Government, as expressed in this note, was unfavourable to any revision of the Dawes Plan. This rumour was promptly denied on the 17th May. The Agent-General's interim report up to the 30th May, 1928, published shortly afterwards, caused considerably less excitement than his preceding annual report. Mr. Parker Gilbert made no reference to any revision of the Dawes Plan, but merely contented himself with the following statement in his conclusions:

> . . . The success of the Plan should not obscure its true nature. The Experts themselves did not recommend the Plan as an end in itself but rather as the means to meet an urgent problem and to accomplish practical results. They aimed primarily to provide for the recovery of Germany's Reparation debt to the Allies, and more broadly to provide for the reconstruction of Germany, not merely as the means of securing the payment of Reparation, but also as part of the larger problem of the reconstruction of Europe. I believe, as indicated in the Conclusions to my last Report, that from both standpoints the fundamental problem which remains is the final determination of Germany's Reparation liabilities, and that it will be in the best interests of the Creditor Powers and of Germany alike to reach a final settlement by mutual agreement as soon, to use the concluding words of the Experts, as circumstances make this possible.[1]

This report aroused very little interest anywhere except in Germany, and even there less attention was paid to its conclusions than to its technical recommendations with regard to the working of the

[1] *Report of the Agent-General for Reparation Payments*, May 1928, p. 108.

Dawes Plan. Interest in the revision movement appeared to have died down; but, in reality, the movement was on the threshold of its final phase, which was inaugurated by Herr Stresemann's *démarche* in Paris two months later.

(*d*) The Negotiations preceding the Appointment of the Committee of Experts.

The last section traced the development of the demand for a revision of the Dawes Plan through the year 1927 and up to the spring of 1928. The movement appeared to lose impetus during the summer of that year and very little was heard of it; but at the end of August the first step was taken on the road which was eventually to lead to the appointment of the Young Committee. On the 27th August Herr Stresemann, who had come to Paris in order to sign the Kellogg Peace Pact, had an hour's conversation with Monsieur Poincaré. The subject of discussion at this interview was not officially disclosed, but unofficially it was stated that Herr Stresemann had raised the question of the complete and immediate evacuation of the Rhineland. In the French view the Rhineland question and the problems of Reparations and Inter-Ally Debts were intimately connected and indeed interdependent; and Monsieur Poincaré was believed to have informed Herr Stresemann that a settlement of the Reparation problem must precede the consideration of the evacuation of the Rhineland.[1]

After the signature of the Kellogg Pact in Paris the scene shifted to Geneva, where the ninth session of the Assembly of the League of Nations opened on the 30th August. This session was attended by the Foreign Ministers of all the chief European Powers, except Herr Stresemann and Sir Austen Chamberlain, both of whom were ill. On the 5th September the leader of the German delegation, Herr Müller, had a private and informal conversation with Monsieur Briand, and, although no statement was issued, it was considered certain that they had opened discussions on the Rhineland question. Thereafter a series of private meetings and conversations took place between the Belgian, British, French, German, Italian, and Japanese delegates, which eventually culminated, on the 16th September, in the publication of an official statement by the delegates of these countries.[2] This

[1] The course of the negotiations and discussions revolving round the question of Germany's Occupied Territories is related elsewhere in this volume. See Part II, Section (i).

[2] For a fuller account of these conversations, see pp. 175–7 of the present volume.

statement, after dealing with the Rhineland and cognate questions, referred to the Reparations question in the following terms: 'an agreement has been reached on . . . the necessity for a complete and definite settlement of the Reparations problem and for the constitution for this purpose of a committee of financial experts to be nominated by the six Governments'.[1]

A comparatively short time had sufficed for the Powers to arrive at the stage of agreement revealed in this statement; but there were two very important points connected with the constitution of the 'committee of financial experts' which had not yet been discussed, viz.: the procedure to be followed in setting up the committee and its terms of reference. Negotiations on these points proved to be difficult; and although by the end of December 1928 an agreement had at last been reached, the intervening three and a half months had been filled with continuous and occasionally rather acrimonious discussions centring round these and other difficulties involved in the respective British, French, and German points of view.

The first of these points of view to be publicly stated was that of France. On the 30th September, Monsieur Poincaré made a speech at Chambéry in which he declared that the French Government would be willing to examine any proposed solution of the Reparation problem which would enable them to pay off their creditors on the one hand, and, on the other, would return to them the sums spent on repairing the devastations caused by the War.[2]

The British point of view was stated by Mr. Churchill at various times and in particular on the occasion of his visit to Monsieur Poincaré on the 19th October, 1928. He emphasized the fact that the British Government would welcome a final settlement of the Reparation problem, but only if it preserved the principle of the Balfour Note and did not lay any further financial burdens on the British Treasury.[3]

In Berlin, on the other hand, a very cautious attitude was adopted, and there was no public expression of the official point of view until the end of October. The Germans were unwilling to take the initiative in the constitution of the committee and, therefore, apparently felt that they would be safe in saying nothing at all. No single cause fully accounts for this hesitation, and it is probable that the German attitude was influenced by several considerations. The Germans realized from the beginning that it would be necessary for the United States, whether officially or unofficially, to play a considerable part

[1] *The Times*, 17th September, 1928.
[2] *Ibid.*, 1st October, 1928.
[3] *The Observer*, 21st October, 1928.

in the preparation of any scheme for the final solution of the Reparation problem. But the first news of the Geneva Agreement of the 16th September was accorded a very cautious and rather cool reception in official circles in Washington; and German opinion soon realized that it would be unwise to precipitate the Reparation problem into the American election campaign, and even more unwise not to take the United States into consideration. Another partial explanation of the German attitude lay in the internal political situation. No German Government could take the responsibility of reopening the Reparation question unless they could be reasonably certain that the outcome of such a move would be favourable to Germany. Consequently before taking any definite step the German Government wished to know the attitude of the other Powers and the nature of any proposals which might be made. Much sounding of opinion in the various capitals was necessary and most of this was done by Mr. Parker Gilbert, the Agent-General for Reparation Payments, who paid a series of visits to London, Paris, and Brussels between the 15th and the 23rd October, returning to Berlin on the 24th October.

No official information regarding Mr. Parker Gilbert's discussions was forthcoming, but in well-informed quarters it was stated that he and Monsieur Poincaré and Mr. Churchill had agreed that Germany must take the initiative in summoning the conference and that the conference should meet in Berlin. But while substantial agreement was thus revealed in Paris and London, the Belgian attitude was rather uncompromising. It was stated that Belgium was not opposed to a final fixation of Germany's total debt, but that she could not agree to any modification of the amounts she was then receiving; in addition, she demanded full compensation for the German marks left in Belgium at the time of the Armistice.

Briefly these were the attitudes which were revealed by Mr. Parker Gilbert's discussions and which he was able to outline to the Chancellor of the Reich on the 25th October, the day after his return to Berlin. Evidently the German Government found the Agent-General's news sufficiently hopeful to justify them in making a definite advance; for on the 26th October a meeting of the German Cabinet was held, at which it was agreed to take steps, together with the other Governments concerned, to realize the plan outlined in the announcement of the 16th September. The immediate fruits of this decision were seen on the 27th October, when the German Government instructed their representatives in London, Paris, Rome, Brussels and Tokio to suggest the establishment of a Committee of

Experts. These instructions were carried out on the 30th October, when the German representatives in these capitals called on the responsible authorities and presented them with 'verbal notes' embodying the above suggestion and the German views on the constitution, scope and personnel of the proposed Committee. In addition, it was stated that the United States Government were being informed of this action and also of the fact that the German Government would welcome the presence of an American representative upon the Committee.

The communication of the 30th October stressed the German point of view that the Committee should be composed of 'independent experts' and should be empowered to examine the situation in its entirety, always bearing in mind the necessity of a 'final settlement'. This attitude did not entirely coincide with that of the majority of the French Cabinet, who at first held that the experts should be, if not officials acting under the orders of their Governments, at least limited by precise and definite instructions. Monsieur Briand, however, held that the experts must be absolutely independent, since on the 'instructions' basis there could be no American participation; and he eventually succeeded in winning the rest of the Cabinet over to his opinion. He realized that the actual status of the experts was of very little importance, and that the decisive point was the nature of the Committee's terms of reference. On this point the French held that the Committee need only determine the number of schedules and methods of payment of the Dawes Annuities. This attitude differed considerably from that of the Germans, who wished the Committee to re-examine Germany's capacity to pay; for in German eyes such an examination, impartially conducted, could only have one result—the reduction of the Dawes Annuities.

In Paris, the first week of November was occupied with efforts to harmonize these points of view, and numerous interviews took place between Monsieur Poincaré, Mr. Parker Gilbert and the Ambassadors of the interested Powers. In addition, each Government prepared a memorandum submitting its own views; the French observations had already been forwarded to the British Government in the week ending the 3rd November, and by the latter date had been replied to by a British note. By the 15th November it was stated that all the Governments had prepared and circulated their memoranda. Meanwhile conversations continued between the representatives of the various countries and the Finance Ministers. Mr. Parker Gilbert also had a series of interviews in London and Paris. The latter negotiations were interrupted, however, by the crisis in the French Cabinet

which led to Monsieur Poincaré's resignation on the 6th November; but on the 11th November he succeeded in forming a new Cabinet in which he relinquished the Ministry of Finance to Monsieur Chéron, thus leaving himself more time to devote to the negotiations regarding the Committee of Experts.

It was at first thought that the Allied Powers would present a common front to Germany and would reply to the German verbal note of the 30th October separately but in identical terms. The idea of sending a common reply, however, was rejected, though it was stated on the 20th November that no irreconcilable differences in principle had been revealed. The memoranda embodying the points of view of the five Powers reached Berlin by the 20th November. These memoranda were not replies to the German note of the 30th October, but consisted simply of a statement of the point of view taken by each Government on the general question of Reparations. Thus, the French Government reiterated their desire to obtain in Reparations sufficient to pay their War creditors and to cover the cost of repairing the devastated regions. Great Britain declared her intention of standing by the principle of the Balfour Note and of assuring from Germany and from her former Allies sufficient to pay her debt to the United States. Belgium repeated her declaration that she could not agree to any reduction in her annuities under the Dawes Plan, and also emphasized her claim for the payment of the six milliards of marks left in Belgium at the Armistice. The Italian interest was very similar to that of Great Britain, as Italy was mainly pre-occupied with obtaining sufficient in Reparations to pay her war creditors.

A similar memorandum expressing the official German view was sent to the interested Governments on the 23rd November. This memorandum was not prepared as a reply to the memoranda of the other Governments but merely as a statement of views. It consisted, on the one hand, of a declaration by the German Government that they could not ally themselves with the principles of the Balfour Note or of Monsieur Poincaré's speech at Chambéry as expressed in the Allied memoranda; and, on the other, of a restatement of the German attitude as expressed in a speech delivered by Herr Stresemann in the Reichstag on the 19th November.[1] Briefly, this attitude was that the proposed Committee of Experts should study the Reparation problem solely from the standpoint of Germany's capacity to pay, and should make their recommendations on that basis, without being in

[1] For extracts from this speech see *Documents on International Affairs, 1928.*

any way limited by instructions regarding the sums demanded by the Creditor Powers.

With the presentation of the German memorandum, it might have been thought that the stage of preliminary informal negotiations was finished, and that formal replies might now be prepared to the German note of the 30th October. But at this point new difficulties appeared and some hesitation and nervousness were apparent both in Paris and Berlin. The chief difficulty lay in the method of appointing the experts. In the Geneva decision of the 16th September, it had been agreed that the experts should be 'nominated by the six Governments'. The French Government, however, held the view that only the Reparation Commission had the right to appoint delegates to re-examine the Reparation question, and a statement to the effect that this procedure would in fact be followed was made by Monsieur Tardieu on the 25th November. The Germans had no objection to such a procedure, provided that the part played by the Reparation Commission was purely formal; but they held that a new situation would arise if the Commission had any hand in the actual negotiations, whether with regard to the terms of reference of the Committee or to the selection of the experts—more particularly in the selection of the expert from the United States who, it was hoped, would take part in the Committee's labours. In addition, the German Government were stated to have stipulated that the German delegates must be appointed by Germany herself and not by the Reparation Commission, and that they must be on a footing of absolute equality with those of the other Powers; in this latter view they were supported by Great Britain.

Further discussions took place in Paris in the early days of December. The British Government's draft reply to the German note of the 30th October had been presented to the French and Italian Governments on the 27th November; and on the 1st December the French reply to the British suggestions was received in London. On the 10th December the French Government were informed that their draft reply to the German note was acceptable to Great Britain; consequently it was only necessary to ascertain whether the reply was equally acceptable to the German Government before drawing it up and formally dispatching it. The German Ambassador in Paris had a long interview with Monsieur Poincaré in which he was believed to have informed the Premier that the French reply was acceptable to his Government. It was supposed that the preliminary negotiations were at last drawing to a close and that the five Powers would immediately deliver identical replies to the German note of

the 30th October. A week passed, however, and nothing happened; it was clear that the German Government had demanded further assurances regarding the implications of the French reply. On the 17th December Monsieur Poincaré and the German Ambassador had another long interview, and on the 19th December it was at last announced that they had reached a complete agreement on the constitution of the Committee. This agreement made it superfluous for the Powers to send a formal reply to the German Government, as Monsieur Poincaré had been negotiating with Herr von Hoesch on behalf of and with the consent of the other Allied Powers. Consequently it was decided that Monsieur Poincaré and Herr von Hoesch should draw up a joint statement embodying the terms of the agreement which they had reached in their last interview.

The statement was made public on the 23rd December and ran as follows:

> Monsieur Poincaré and Herr von Hoesch, the German Ambassador in Paris, have arrived at the following agreement, to which the other Governments concerned have assented, about the constitution of the Committee of Experts which is to deal with the settlement of the Reparation problem in accordance with the decision reached at Geneva on the 16th September last:
>
> 1. It is highly desirable that, in addition to the experts to be appointed by each of the six Governments which were parties to the decision at Geneva, nationals of the United States of America should take part in the work of the Committee.
>
> 2. The Committee, following the precedent of the first Committee of Experts which was set up in November 1923, must evidently be composed of independent experts possessing international reputation and authority in their own country, but these experts will not be bound by instructions from their Governments. The number of members shall be two for each country, but it is contemplated that the members can appoint deputies to assist them.
>
> 3. The Committee shall meet in the first instance in Paris as soon as possible. It will be left to the Committee to take a final decision as to its place of meeting.
>
> 4. The Committee on its appointment shall receive from the six Governments, in accordance with the Geneva Agreement of the 16th September last, a mandate 'to draw up proposals for a complete and final settlement of the Reparation Problem'. These proposals should provide for a settlement of the obligations resulting from existing treaties and agreements between Germany and the Creditor Powers. The Committee shall make its report both to the Governments which took part in the Geneva decision and to the Reparation Commission.
>
> 5. The appointment of the experts shall take place in accordance with the following procedure:
>
> The experts of the Creditor Powers which took part in the Geneva decision shall be chosen by the Governments of the Powers and shall

be appointed, as those Governments may prefer, either by the Governments themselves or by the Reparation Commission.

The German experts shall be appointed by the German Government.

Steps are being taken by the six Governments concerned to ascertain the best means of securing the participation of American members.[1]

The attitude of the United States was from the outset one of the most frequently discussed problems connected with the proposed Committee of Experts. Their participation was most ardently desired by Germany, mainly because the Germans saw at once that the financial facilities required for floating a Reparation loan would have to be provided by New York. When the news of the Geneva Agreement first arrived in the United States, the attitude of the Government was distinctly hostile, the alleged reason being the fear that a further attempt would be made to connect the Reparation question and that of the Allied debts to America. On the 19th September it was stated in Washington that the United States might send an observer to the proposed Conference but that he would be instructed to maintain a very cautious attitude. The early negotiations did not excite much comment in Washington owing to American preoccupation with the Presidential election, though a newspaper dispatch from Washington dated the 21st October stated that, while a revision of the Dawes Plan directed to fixing the total German indebtedness would be warmly welcomed in America, the mobilization of the debt, with its consequential recourse to the American money market, was not looked upon with favour at that date.[2] On the 3rd November it was again stated that the official attitude was cautious, but Mr. Kellogg went so far, it was asserted, as to say that no objection would be raised if an American expert were invited to sit on the Committee.[3] The latter part of November and the early part of December were occupied by discussions among the ex-Allied Governments and Germany as to the best procedure to follow in securing American participation; and on the 17th December it was stated that the United States Government were to be sounded forthwith as to the method which in their view would be most suitable. On the 21st December President Coolidge summed up the Administration's attitude to the proposed Committee in a Press interview. He stated that the Government had not yet been approached with regard to American participation, but that such an approach would be received sympathetically when it was made. At the same time he felt that the Reparation problem was purely European and should, if

[1] *The Times*, 24th December, 1928. [2] *Ibid.*, 22nd October, 1928.
[3] *The Manchester Guardian*, 5th November, 1928.

possible, be settled by Europe alone; any experts that America might send, whether officially or unofficially, would have to be allowed complete freedom of judgement, unhampered by any instructions whatsoever.[1] The President's reference to Reparations as a purely European problem showed that no change had taken place in the official attitude regarding Reparations and War Debts. These were considered by the United States Government to be completely unrelated problems, and the Government could not participate officially in any way, however trifling, in discussions which proposed to link them up together. Such an association, however, appeared to be inevitable in the approaching discussions of the Committee of Experts; and the United States Administration would not, therefore, commit themselves at all regarding the conclusions which might be reached by the Committee. America could not do less than allow her citizens to take part in the Committee, but she would not go an inch further than this. Finally, on the 24th December, the Department of State issued an extremely cautious statement to the effect that it had been approached by the British Ambassador, as representative of the six Powers, and formally acquainted with their desire for the participation of American members in the forthcoming Committee.[2] After this statement nearly a month's delay was necessary in order that the six Powers should informally obtain the consent of the Americans whom they wished to associate with themselves. Consequently it was not until the 17th January, 1929, that Sir Esmé Howard, as doyen of the Ambassadors in Washington of the six Powers, issued an invitation to the American members who had been chosen to take part in the work of the Committee. This invitation was accepted and the American experts—Mr. Owen Young and Mr. J. P. Morgan—were appointed by the Reparation Commission on the 19th January.

Events in Europe had begun to move more quickly. Those countries which had not already nominated their delegates now took this matter in hand. On the 10th January, 1929, the Reparation Commission met in Paris and formally appointed the experts nominated by the five Creditor Powers. The German Government had appointed their own experts on the 9th January; and on the 11th February the Committee of Experts, thus finally established, held its first official meeting in Paris and at last set the seal on the difficult and tortuous negotiations of the preceding five months.

Both Germany and France—the two Powers which took the

[1] *United States Daily*, 22nd December, 1928.
[2] *Ibid.*, 26th December, 1928.

principal part in the negotiations preliminary to setting up the new Committee—had modified their attitudes to a certain extent. France had yielded fully on the question of the independence of the experts, and slightly even with regard to the terms of reference of the Committee, while Germany also had yielded on this latter point. Originally each country had wished to confine the Committee to a consideration of a single aspect of the problem—in the case of France, the number of the Dawes Annuities, and in that of Germany, her capacity to pay. The eventual terms of reference, however, were very wide, and transferred most of the difficulty of decision to the Committee. The compromise with regard to the appointment of the experts satisfied both parties. The French secured that their experts should be appointed strictly in accordance with the provisions of the Treaty of Versailles; while Germany appointed her own experts and thus entered the Conference on a footing of complete equality. The other interested Powers—Great Britain, Belgium, Italy, and Japan—did not in reality yield anything before the appointment of the Committee; but they reserved the right to test the experts' recommendations by the touchstone of their own policy.

(*e*) The Young Committee Negotiations.

The major tasks with which the Young Committee were confronted were well summarized in an article by Mr. Thomas W. Lamont, one of the alternate American delegates on the Committee. In Mr. Lamont's words, the Committee had to achieve:

> 1. The final determination of Germany's liability for Reparations, this determination including the fixing of the amount of annuities which Germany should pay and the period of years over which they should be paid.
>
> 2. The abolition of foreign controls in Germany (taking Germany out of receivership) and the setting up of a new mechanism for the receipt and disbursement of the annuities and for the handling of the questions incidental to Reparations.
>
> 3. The formation of a plan for the mobilization and ultimate issuance for sale on world markets of a certain portion of the German annuities . . .
>
> The Committee's work was to liquidate the War and to bring about a state of economic peace in Europe.[1]

The actual negotiations of the Committee may be roughly divided into three periods. During the first period they were primarily concerned with Germany's economic condition and with the elaboration of satisfactory methods of payment. The second period was devoted

[1] Thomas W. Lamont, 'The Final Reparation Settlements' (*Foreign Affairs*, New York, April 1930, p. 343).

to the discussion of actual figures. The third and last period was concerned with problems of distribution of the German annuities between the Creditor Powers and with finally settling the detailed conditions of payment.

At the first meeting, on the 11th February, 1929, the representatives of the various countries began by presenting their respective points of view: and the Committee then started an exhaustive discussion of Germany's economic situation, which was continued throughout the rest of the week and was finally wound up at the plenary morning session on Monday, the 18th February.

During the course of this discussion, Dr. Schacht and his associates supplied the Committee in great detail with information as to Germany's need for capital during the preceding five years and the extent to which it had been satisfied; her external assets; the reconstruction of her industry; her industrial equipment and her stocks of raw material; the state of industry and agriculture; wages; the financial position of the Reich; and so on. Dr. Schacht likewise stated that Germany had to find 1,000,000,000 marks a year in order to pay interest on her long- and short-term borrowings abroad—a foreign debt incurred after the War and equal to the pre-War indebtedness of the United States. Nevertheless, Dr. Schacht, who 'spoke as an equal among equals and with a sincerity which was favourably commented upon', declared that 'the leaders of the German nation were anxious to make their people forget the War mentality entirely, and expressed his satisfaction that this evident desire on their part met with the full approval of Allied statesmen'.[1] At the end of the first week's negotiations the work done was viewed 'with a certain degree of optimism'.[2]

These preliminary discussions soon turned into an examination of the difficulties of transfer and the methods by which transfer could be best achieved. Other questions were also involved, in particular, the problem of the machinery which should replace the organizations established under the Dawes Plan, and the problem of commercialization. These discussions of ways and means, which lasted no less than six weeks, gradually developed into the idea of the Bank for International Settlements; and, by the end of March, the draft constitution of this new financial body had been agreed upon.

Various points in the course of these discussions may be usefully summarized. The discussions themselves proceeded largely in an informal manner by way of sub-committees or groups which some-

[1] *The Times*, 14th February, 1929.
[2] *The Manchester Guardian*, 19th February, 1929.

times held joint sessions and in due course reported to the main Committee. The three principal sub-committees or groups at this stage of the negotiations were: (1) the special committee on transfer (the outcome of a sub-committee originally appointed to consider procedure) of which Sir Josiah Stamp was chairman; (2) the sub-committee headed by Mr. Thomas N. Perkins, an American delegate, for examining questions relating to deliveries in kind; and (3) the sub-committee of which Lord Revelstoke and Mr. J. Pierpont Morgan were members, to discuss the problem of commercialization.[1] It was at this stage of the negotiations that the transfer sub-committee advanced the principle of separating Germany's payments into two parts, the one unconditionally transferable, and the other subject to the control of a consultative committee which should replace the Transfer Committee under the Dawes Plan, and which might, in suitable circumstances, grant Germany a moratorium.

The Bank for International Settlements, which was suggested during these discussions, met with little opposition so far as its trustee and banking functions in a final Reparations settlement were concerned,[2] and agreement with regard to these trustee functions was reached in a plenary session on the 11th March; while full agreement was reached on the general principles of this machinery on the 20th March; and the complete report dealing with the organization of the proposed International Bank—and also with deliveries in kind—was received by the Committee in plenary session on the 25th March.

Even at this early stage, however, larger functions were envisaged for the new Bank. Thus an official *communiqué*, issued by the Committee at the conclusion of its fourth week of discussion, stated that 'the authors of the suggestion believe that the operations of the new institution would tend to increase and strengthen the co-operation that has already been developed between central banks and that has been of such marked service during the past several years in restoring the gold standard throughout the world, and in otherwise stabilizing financial conditions'.[3] On the 13th March the correspondent of *The Times* in Paris, in order further to illustrate the larger purposes of the new Bank, referred to Sir Josiah Stamp's observations during the preceding autumn on the problem of the price level and of fluctuations in gold prices.[4] These larger ideas were not at all warmly

[1] The latter two sub-committees were formed on the 25th February, 1929.

[2] Thus the three committees, in joint deliberation, succeeded, as early as the 6th March, in producing an agreed scheme for an organization which would replace or absorb the functions of the Transfer Committee under the Dawes Plan.

[3] *The Times*, 11th March, 1929.

[4] *Ibid.*, 13th March, 1929. These references were to Sir Josiah Stamp's

received; but the possibility of their realization in future was nevertheless retained in the Committee's final report.

On the 25th March, when the second stage of the negotiations opened, a crucial point was reached. On this date the Committee of Experts in plenary session, after first receiving the completed report dealing with the organization of the proposed Bank for International Settlements, passed on to the question of figures. As some formidable obstacles were apparently encountered at the outset, the discussions on this date were very brief, and private conversations were again quickly resumed. The question of figures had, of course, been touched on earlier in the negotiations. Thus on the 15th March an unofficial statement was made suggesting that the Allied delegations were considering a tentative plan involving fifty-eight annuities comprising payments of 1,000,000,000 gold marks a year for thirty-seven years in respect of Reparations and of an additional sum increasing from, roughly, 960,000,000 marks to, roughly, 1,600,000,000 marks to be paid over a period of fifty-eight years in respect of Inter-Ally Debts due to the United States.[1] On the 19th March the experts were 'definitely engaged in discussing figures amongst themselves . . . and an atmosphere of expectancy, not untinged with anxiety', had come over the deliberations.[2] Nevertheless, in spite of these early discussions about the amounts that Germany was to pay, no step of importance with regard to the amount and duration of Germany's annuity was taken before the Committee adjourned for Easter on the 29th March. In this last discussion before the holidays Dr. Schacht 'took a prominent and constructive part in the discussion';[3] suggestions were also put forward from several other quarters; and the situation was summed up by Mr. Owen Young. Dr. Schacht then left for Berlin, taking with him two memoranda containing definite figures, one drawn up by the Allied experts and the other by Mr. Owen Young.

The delegates reassembled on the 4th April and devoted the following three days to examination of the tentative Allied proposals. As summarized in one of the memoranda handed to Dr. Schacht before the Easter recess, these proposals formed not an organized demand but rather 'a compendium of unrelated independent statements of claims'.[4] The discussions which followed showed Dr. Schacht that

speech at Bolton on the 30th October, 1928, and to a letter to *The Times* dated the 9th November, 1928; in this letter Sir Josiah Stamp pointed out the international importance of maintaining a stable value for gold, and the special importance of stable gold prices to Great Britain.

[1] *The Times*, 16th and 18th March, 1929. [2] *Ibid.*, 20th March, 1929.
[3] *Ibid.*, 30th March, 1929. [4] *The Manchester Guardian*, 6th April, 1929.

the total of the creditors' minimum requirements aggregated approximately 2,900,000,000 marks a year,[1] an amount no less than 16 per cent. greater than the standard annuity under the Dawes Plan. It was immediately obvious that the situation thus created was serious, and that further negotiations with Dr. Schacht could not usefully take place until the Creditor Powers had brought the Allied demand into line on a common basis at a lower level. Accordingly, the next few days were devoted to negotiations with this object in view.

The task was indeed a formidable one. Great Britain adhered to the principles of the Balfour Note, but as she had begun to pay off her debt to the United States before she had received any payments from her Allies in respect of their War Debts, she claimed the inclusion of arrears of about £200,000,000. In addition, the separate Reparation share of the Dominions was not covered by the Balfour Note. France originally demanded from Germany a contribution of Frs. 50,000,000,000; but this sum was subsequently reduced to Frs. 40,000,000,000, the latter figure representing one-third of her expenditure on the devastated areas. In addition, France required a sum sufficient to cover her debt payments to Great Britain and the United States. Belgium demanded the retention of her share in Reparations proper under the Dawes Plan together with a further large sum as indemnification for the paper marks left in Belgium after the German occupation. Italy demanded a larger share in Reparation payments than she had previously received, and claimed also that she was entitled to compensation for the failure of Austria, Hungary, and Bulgaria to pay Reparations. The United States maintained its requirements in respect of Inter-Ally Debts as well as any smaller items from Germany such as the arrears of the cost of the Rhineland occupation.

The negotiations between the Allied experts were long and difficult, but by the 12th April they reached agreement amongst themselves and prepared a complete scheme of annuities, involving concessions by all the Creditor Powers, which was read before the German delegates in full Committee on the 13th April. The Allied demands, as put forward in this memorandum, were as follows:

Thirty-seven annuities rising from £92,500,000 to £122,500,000.
Twenty further annuities of £85,000,000.
One further annuity of £45,000,000.
Present capital value of the Allied demands £1,950,000,000.

[1] Thomas W. Lamont, *op. cit.*, p. 346. This is the average figure calculated over thirty-seven years; calculated over fifty-eight years it amounted to 2,700,000,000 marks.

The Allied demands were composed as follows:

For Inter-Ally Debts	£1,225,000,000
Service of Dawes Plan	50,000,000
United States costs of occupation . . .	75,000,000
Reparations proper	600,000,000
	£1,950,000,000[1]

When this proposal was presented, Dr. Schacht adopted a 'very conciliatory attitude'; he 'neither accepted nor rejected the proposals in principle, but thanked the Allies for the concessions' they had made; and requested further information.[2] A not dissimilar attitude was adopted by the German Foreign Office on receiving a copy of the Allied memorandum, and though it regarded the figures as unacceptable, it considered that the memorandum afforded a suitable basis for discussion.

The next two days were occupied in furnishing Dr. Schacht with the information he desired and in the preparation of a German counter-proposal which was presented in plenary session on the 17th April.

Dr. Schacht's memorandum proposed thirty-seven equal annuities of £82,500,000 with a present capital value of £1,300,000,000.[3] Upon

[1] *The Times*, 19th April, 1929. [2] *Ibid.*, 16th April, 1929.

[3] The offer also contained a passage which was regarded by the Allies as involving a political demand for the return of the German colonies and a rectification of her frontiers in Europe. In view of the importance which this passage assumed for a time in the negotiations, the following textual translation, which was given in *The Times* of the 22nd April, 1929, may be reproduced here.

'The fact must be taken into account that in order to maintain and to develop her industrial production Germany is obliged, to a much greater extent than the other industrial nations of Europe, to import raw materials from industrial areas abroad. As the results of the War the internal economy of Germany, so far as raw materials are concerned, has been considerably reduced, and she has been deprived of the power to open up or to develop her own sources of raw materials oversea. These losses have brought as their repercussion extremely heavy charges on the commercial balance and the balance available for payments. If Germany is to assume the engagements specified in this plan without running more and more heavily into the debt of other countries, she must be placed in a position to build up for herself once more her own sources of raw materials beyond the seas, which she can develop with the aid of her own means of production and her own currency and under her own responsibility.

'As regards the supply of foodstuffs in Germany, it is most important that imports should be considerably reduced, and that their place should be taken, in part, by a more intensive internal production. In dealing with this question it must not be forgotten that Germany has lost, in the East, important territories which produce an excess of foodstuffs, and that a whole province, consisting mainly of agricultural lands, has been cut off from the

learning the German proposals the plenary session was adjourned, and the German memorandum was referred for informal discussion to a sub-committee headed by Lord Revelstoke. The following day, the 18th April, was critical; Lord Revelstoke's sub-committee 'discovered that the memorandum was to be considered as an ultimatum'; [1] and an extremely tense situation was created.

The morning of the 19th April opened tragically with the sudden death of Lord Revelstoke. A plenary session was postponed until the following Monday, the 22nd April; private meetings were held between Dr. Schacht and the Allied experts; and over the week-end Dr. Schacht and Herr Vögler visited Berlin and reported the position to the German Cabinet, which confirmed them in their independence during the negotiations. On the 22nd April Monsieur Poincaré, speaking at Bar-le-Duc, repeated the French requirements which he had laid down in his speech at Chambéry,[2] and added:

> For the moment the representatives of Germany have unfortunately dashed this hope [of a settlement], and nobody knows yet whether it will be possible to resume the Conference with any serious chance of success. If there is a failure, it will not be that of France. In the interests of Europe and of the world we should be glad to see these difficult questions of Debts and Reparations settled at last by general consent, and we are conscious of having made wide concessions to that end, but if our efforts are vain we shall be brought back by the course of events to the execution of the Dawes Plan, which incidentally secures for us, by the application of the index of prosperity, an important increase of the annual payments.[3]

During the next few days the tension continued, and, so far as Germany was concerned, was enhanced by adverse monetary movements; a sharp decline took place in the Reichsbank's reserves of gold and foreign exchange and on the 25th April the Reichsbank's discount rate was raised from $6\frac{1}{2}$ to $7\frac{1}{2}$ per cent.

Meanwhile the members of the Young Committee who remained in Paris began to draft a final report; but, apart from the work of

rest of the Reich. In consequence, the prosperity of this province is steadily declining, and this decline has reached a point at which the Government of the Reich is obliged to give regular subsidies to the province. Appropriate measures should, therefore, be devised to remove these unfavourable factors, which considerably reduce Germany's capacity to pay.'

Dr. Schacht, however, apparently did not desire this passage to be regarded as involving political demands.

[1] *The Times*, 19th April, 1929. On the other hand, Dr. Schacht definitely stated to *The Times* correspondent on the 19th April that 'his memorandum of the 17th April was not written as an ultimatum and was never intended to be taken as such. It constituted only a basis for bargaining'. (*The Times*, 20th April, 1929.)

[2] See above, p. 133.

[3] *The Times*, 23rd April, 1929.

drafting, a great deal of time was naturally spent in private negotiations amongst the experts. The outcome of these negotiations was the intervention of Mr. Owen Young with a definite compromise scheme at the beginning of May; and on the 4th May the German delegates informed Mr. Owen Young that they accepted as a basis of negotiation the scheme which he had drawn up and which they had already been discussing with him. Mr. Young in turn recommended the scheme to the Creditor Powers for their acceptance.

The Young Scheme at this stage of negotiations involved a scale of annuities covering thirty-seven years at an average rate of about £103,000,000. From the thirty-eighth to the fifty-eighth year Germany was to be responsible for meeting Inter-Ally Debt payments at the rate of £85,000,000 a year for twenty years and of £45,000,000 for one year more. During the first thirty-seven years Germany was to pay at least £32,500,000 a year unconditionally, which would enable about £500,000,000 for Reparations proper to be commercialized. The present capital value of Mr. Young's scheme was about £1,800,000,000, a sum nearly 40 per cent. larger than the present capital value of the German offer. On the other hand Mr. Young's figures represented a reduction of, roughly, $7\frac{1}{2}$ per cent from the total of the Allied demands.

With the acceptance of Mr. Young's scheme by Dr. Schacht as a basis for negotiations and, therefore, with figures which, though somewhat lower, were nevertheless within reasonable distance of the amounts originally demanded by the Allies, the principal difficulty confronted by the Young Committee had been faced and successfully disposed of, and the third (and, as it ultimately turned out, the final) stage of the negotiations was opened. Nevertheless, the remaining month was by no means plain sailing. The immediate problem was to adjust between the Allies the burdens imposed by the proposed reduction of the total of Germany's payments. At first the chief difficulty promised to be the attitude of the French delegates. Under Mr. Young's plan France, which had asked for about £400,000,000, would have received only about £275,000,000; i.e. her claim for compensationwould have been reduced by one-third. This difficulty could not be resolved in the absence from Paris of Monsieur Moreau, the principal French delegate. But before Monsieur Moreau returned, a fresh and very serious obstacle came to light, viz., the fact that the new plan had so modified the Spa percentages as to throw almost the entire burden of the latest Allied concessions upon the shoulders of Great Britain.

It has been stated above that the British claim included the capital

sum of approximately £200,000,000 for arrears paid to the United States, and a further annual sum of, roughly, £2,500,000 for the share in British Empire Reparation allocated in 1921 to the Dominions. In the process of reducing the Allied claims the British delegation gave way on the £200,000,000, but refused to give way on the share of the Dominions.

The concentration of the Allied concessions upon the shoulders of Great Britain provoked great irritation in British circles, and a question asked in the House of Commons on the 9th May by Colonel Gretton elicited from Mr. Churchill, the Chancellor of the Exchequer, the following answer:

> The Committee of Experts now sitting in Paris is composed of independent representatives of the various countries concerned. We have, of course, kept in touch with the British members throughout those protracted proceedings and have been impressed by their admirable grasp and comprehension of the whole position. We have not, however, at any time sent definite instructions to these gentlemen, nor do we propose to do so on this occasion. The Experts Committee must be left to reach their own conclusions. These conclusions, whatever they may be and whether agreed or not, in no way commit His Majesty's Government, which remains entirely free to review the whole position and to take their own decisions upon the work and recommendations of the Experts Committee. It is clear, therefore, that no urgency exists, and that it would be premature as well as inexpedient for His Majesty's Government to pronounce upon particular aspects, however important they may be, at the present juncture. However, in order to prevent misconception abroad and alarm at home, it is perhaps desirable that I should say that the kind of proposals which were foreshadowed in the newspapers of yesterday would, in our opinion, be unacceptable—and that His Majesty's Government would in no circumstances entertain them.

Mr. Churchill's statement caused the Young Committee to set aside for the time being the question of the readjustment of the Spa percentages; and accordingly the Committee turned to the work of drafting the final report, which was entrusted to Sir Josiah Stamp working in co-operation with Dr. Schacht. By the 12th May, however, conversations with regard to the revision of the Spa percentages had been privately resumed, and they were continued on the 13th May. During these days the work of the Committee 'proceeded in an atmosphere of impenetrable secrecy'.[1] By the 17th May a draft report was completed; reservations which Germany had laid down were under examination; and the question of distributing the German annuities was again dominant.

By the 21st May a formula had been devised which enabled the

[1] *The Times*, 14th May, 1929.

Conference to emerge from the deadlock. Under the new arrangement Great Britain was to receive approximately the amount of the Dominion claims, the adjustment being made by altering the date on which the Dawes Plan ended and the Young Plan came into operation. But the conclusion of this dispute over percentages saw the opening of another, viz. the Belgian marks claim, which caused difficulty for some days and was not finally disposed of until the 30th May.[1]

On the 23rd May Herr Vögler, the German industrial delegate, feeling that too much had been conceded by Germany, resigned. His place was taken by Dr. Kastl, the third German delegate. Negotiations over the outstanding difficulties, viz. the German reservations and the Belgian marks claim, continued for several days more until, on the 29th May, Dr. Schacht, who had left Paris for a few days' rest at Versailles, telephoned his acceptance of the final Allied proposals to the German delegation, which transmitted the news to Mr. Owen Young a little before 10 o'clock in the evening. From this moment matters proceeded rapidly. There remained only the drafting of the report which, though an arduous and detailed task, involved no serious discussions in principle, and at 6 o'clock on the evening of Friday, the 7th June, the report was signed. When the signing had been completed, Mr. Owen Young delivered a short valedictory address:[2]

> Gentlemen [he said], the report has been signed. I congratulate you on the completion of your work. It has, indeed, been an arduous task. The Plan is not made in secret by technicians, but is rather one which has taken account of the public factors affecting a final settlement. This is the way wise business functions, and as business-men we have taken that method here. We may fairly claim for the Plan that it reflects our best judgement of what a settlement ought to be, arrived at with the advice, not of Governments but of peoples, functioning through a Press which modern communications have made instantly effective in every interested country in the world.

His claim, as the examination of the Report in the next section shows, was not unjustified.

(*f*) The Young Report.

The Report of the Committee of Experts on Reparations, or the Young Report[3] as it was more commonly called, was remarkable for

[1] Ultimately the settlement of the Belgian marks claim was not incorporated in the Young Report and the matter was left to be cleared up by negotiations between Germany and Belgium separately. The Report itself, however, was not to come into operation until these negotiations had reached a definite conclusion.

[2] *The Times*, 8th June, 1929.

[3] *Cmd. 3343* of 1929.

its brevity. It was divided into twelve parts and eight annexes. Part 1 dealt with the Committee's appointment, terms of reference and constitution; Part 2 with meetings of the Committee; Part 3 with the attitude of the Committee; Part 4 with the study of Germany's economic conditions; Part 5 with the course of proceedings; Part 6 with the Bank for International Settlements; Part 7 with the influence of the form of the annuity on the amount; Part 8 with annuities; Part 9 with liquidation of the past; Part 10 with commercialization and mobilization; Part 11 contrasted the new Plan with the Dawes Plan; and Part 12 presented the conclusions. Of the Annexes the first was the longest. It contained suggested outlines for the organization of the Bank for International Settlements. Annex II was a letter from Dr. Schacht to Mr. Owen Young in regard to the gold value of the Reichsmark. Annex III dealt with mobilization. Annex IV dealt with conditions of postponement of transfer and of payment. Annex V discussed Organization Committees. Annexes VI, VIa, VIb, and VIc dealt with the Belgian marks claim. Annex VII contained the distribution of the annuities proposed by the experts of the Creditor Countries represented on the Committee. Annex VIII dealt with the Guarantee Fund in respect of unconditional annuities. In addition, there was a 'Concurrent Memorandum but not a part of the Report' which apportioned between the Creditor Powers and Germany any reductions that might be made in what were termed 'Out-Payments'—i. e. War Debt settlements with the United States—and provided for corresponding decreases in the amount of Germany's annuities.

The comprehensiveness of the Young Committee's Report, which the foregoing summary of its contents displays, was a natural result of its terms of reference and its membership. The terms of reference were as follows: 'The Belgian, British, French, German, Italian, and Japanese Governments, in pursuance of the decision reached at Geneva on the 16th September, 1928, whereby it was agreed to set up a committee of independent financial Experts, hereby entrust to the Committee the task of drawing up proposals for a complete and final settlement of the reparation problem. These proposals shall include a settlement of the obligations resulting from the existing Treaties and Agreements between Germany and the Creditor Powers. The Committee shall address its report to the Governments which took part in the Geneva decision and also to the Reparation Commission.'[1]

[1] *Young Report*, p. 3.

The Committee was constituted with the following membership:

Belgian Experts.	*Belgian Alternates.*
M. Emile Francqui.	Baron Terlinden.
M. Camille Gutt.	M. H. Fabri.
British Experts.	*British Alternates.*
Sir Josiah Stamp.	Sir Charles Addis.
Lord Revelstoke.	Sir Basil Blackett.
French Experts.	*French Alternates.*
M. Emile Moreau.	M. C. Moret.
M. Jean Parmentier.	M. Edgar Allix.
German Experts.	*German Alternates.*
Dr. Hjalmar Schacht.	Dr. C. Melchior.
Dr. A. Vögler.	Herr L. Kastl.
Italian Experts.	*Italian Alternates.*
Dr. Alberto Pirelli.	M. Giuseppe Bianchini.
M. Fulvio Suvich.	M. Bruno Dolcetta.
Japanese Experts.	*Japanese Alternates.*
Mr. Kengo Mori.	Mr. Saburo Sonoda.
Mr. Takashi Aoki.	Mr. Yasumune Matsui.
American Experts.	*American Alternates.*
Mr. Owen D. Young.	Mr. Thomas N. Perkins.
Mr. J. P. Morgan.	Mr. T. W. Lamont.

While the essential problem before the Committee consisted in deciding upon the amounts and number of the annuities to be paid by Germany, it was obviously impossible to reach a conclusion on these subjects without considering and settling other interrelated and determining factors. The problem of transfer had to be faced and solved; suitable machinery to replace the arrangements set up under the Dawes Plan had to be devised; safeguards against excessive strain and abnormal conditions had to be framed; and a number of other questions, not less intricate or difficult, had also to be resolved. Accordingly, the final plan was like the pieces of a jig-saw puzzle—or, more exactly, like the arrangements of numerous components in an elaborate physical equilibrium, any disturbance in any part of which naturally deranges the whole.

Very early in their discussions the Committee found that 'the amounts (of the annuities) were to a considerable extent contingent upon the machinery and form of payment' and that 'if Germany were to be given a definite task to perform on her own responsibility, and

if the Committee were to substitute for many of the features of the Dawes Plan machinery of a non-political character in the realm of general finance, it was clearly necessary to elaborate a system for handling the annuities in a way which so far as it led to their commercialization would remove them from the sphere of inter-Governmental relations'.[1] The discussions likewise showed: (*a*) that, in the opinion of the German experts, 'the ability of Germany to undertake a definite annuity obligation might vary . . . according to whether the annuity was entirely unconditional or whether some portion of it was payable under arrangements for postponement in the event of financial and exchange difficulties';[2] (*b*) that suitable safeguarding machinery would be required; and (*c*) that 'more elastic machinery' of a 'non-political' character would have to be set up for the gradual termination of the system of deliveries in kind.[3] On all these issues the discussions converged upon one single point, viz., the type of authority which would be the most suitable agency for discharging the various functions under a new plan. The Committee proposed to establish a new body for this purpose to be known as the Bank for International Settlements and gave this recommendation pride of place in the Report.

The constitution proposed in the Young Report for the new Bank placed the real control in the hands of the Central Banks of the seven countries represented on the Young Committee. Voting rights were to vest not in the shareholders of the authorized capital of $100,000,000 but in the seven Central Banks themselves. The entire administrative control was to rest with the Board of Directors composed of: (*a*) the Governors of the Central Banks of Belgium, France, Germany, Great Britain, Italy, Japan, and the United States, or their nominees; (*b*) a national of each of these countries representative either of finance or of industry and commerce appointed by the Governor of the Central Banks concerned if he so desired; (*c*) during the period of the German annuities, an additional French and a German national representative of industry and commerce if the Governor of the Bank of France and the President of the Reichsbank so desired; and (*d*) not more than nine additional representatives of Central Banks in other participating countries. The distribution of profits was governed by a complex set of regulations which provided, *inter alia*, for the building up of reserve funds, for the distribution of dividends and for contributions, in certain circumstances, towards the last twenty-two German annuities.

[1] *Young Report*, p. 7.
[2] *Op. cit.*, p. 8.
[3] *Op. cit., loc. cit.*

The functions of the Bank sprang in the first instance from the fact that 'a complete and final settlement of the Reparation problem, being primarily financial in character, involves the performance of certain banking functions at one or more points in the sequence between the initial payment of the annuities and the final distribution of the funds'.[1] Accordingly, the Bank was to take over such functions of the agencies existing under the Dawes Plan as it was found necessary to continue, and was to perform the work of external administration such as the receipt and distribution of payments and their commercialization. Its operations were thus to be assimilated to ordinary financial practice, and it was to provide machinery which would serve, if need be, as a shock absorber in times of economic or financial difficulty. By these means 'the Creditors will have further assurance that the effects of economic changes on the flow of payments will be minimized, and Germany for her part will have the possibility of assistance during temporarily unfavourable conditions'.[2]

At the same time, other and broader functions of a general character were envisaged for the Bank. Both the nature and the magnitude of the annuities 'provide at once the opportunity and the need for supplementing with additional facilities the existing machinery for carrying on international settlements, and within limitations of the sound use of credit, to contribute to the stability of international finance and the growth of world trade.[3] . . . In the natural course of development, it is to be expected that the Bank will in time become an organization not simply, or even predominantly, concerned with the handling of Reparations, but also with furnishing to the world of international commerce and finance important facilities hitherto lacking. Especially it is to be hoped that it will become an increasingly close and valuable link in the co-operation of Central Banking institutions generally—a co-operation essential to the continuing stability of the world's credit structure'.[4]

The Report then dealt with the question of the actual payments to be made by Germany. On the understanding that the plan, as a whole, should come into force on the 1st September, 1929, it proposed an initial transitional payment of 742·8 million Reichsmarks during the seven months September 1929 to March 1930 inclusive, to be followed by a series of fifty-eight annual payments during the years 1930–1 to 1987–8 inclusive. These years were divided into two distinct periods. The first period contained thirty-six years—1930–1 to 1965–6—and during it Germany was to pay annuities rising

[1] *Op. cit.*, p. 10.
[2] *Op. cit.*, p. 11.
[3] *Op. cit., loc. cit.*
[4] *Op. cit.*, p. 14.

gradually from a minimum of approximately 1,700 million Reichsmarks to a maximum of roughly 2,500 million Reichsmarks at the end.[1] These annuities, together with the initial payment during the transitional seven months, were equivalent to a constant annuity for thirty-seven years of 1,988·8 million Reichsmarks with the service of the Dawes Loan added. During the second period of twenty-two years from 1966–7 to 1987–8 inclusive, payments were to be reduced to roughly two-thirds of the previous maximum, and to fluctuate a little below 1,700 million Reichsmarks during most of the period, tapering off during the last three years to 900 millions.

Each annuity was divided into two parts. The first part, consisting of 660 million Reichsmarks, was unconditionally payable in foreign currencies by equal monthly instalments; i.e. it was 'without any right of postponement of any kind'.[2] The second part, consisting of the remainder of the annuity, while payable in foreign currencies by equal monthly instalments, was subject to the conditions as regards postponement of transfer and of payment which are described below.

With certain minor exceptions[3] the Committee recommended 'that, as from the date of the putting into force of this Plan, Germany's previous obligation shall be entirely replaced by the obligation laid down in this Plan, and that the payment in full of the proposed annuities in accordance with this Plan should be accepted by the Creditor Powers as a final discharge of all the liabilities of Germany still remaining undischarged'.[4]

Under the Young Plan the annuities were derived from two sources: (1) the German Railway Company; and (2) the Budget of the Reich. The payment from the Railway Company was to amount to 660 million Reichsmarks annually for a period of thirty-seven years; a sum which happened to be equal to the non-postponable annuity. This sum, which was the same as that yielded by the Railway Bonds under the Dawes Plan, was to include, if need be, the

[1] The actual minimum figure was to be 1,685 million Reichsmarks in 1931–2; and the maximum was to be 2,428·8 million Reichsmarks in 1965–6.

[2] *Young Report*, pp. 17–18.

[3] The costs of Inter-Allied Commissions and of the Armies of Occupation until terminated; certain small items (e.g. the expenses of the Special Advisory Committee of the Bank for International Settlements); and the troublesome though minor item of the Belgian marks claim. On these points see the *Young Report*, pp. 18–19, p. 25, and Annex VI, pp. 57 *et seqq.* See also below, p. 160.

[4] *Young Report*, pp. 18–19. The liability thus discharged was limited to those 'referred to in Section XI of Part I of the Dawes Plan, as interpreted by the Interpretation Tribunal set up under the London Agreement of the 30th August, 1924' (p. 19).

yield of the transport tax imposed under the Dawes Plan, and was to be a charge on the gross revenue of the Company ranking after expenditure on personnel only, and *pari passu* with expenditure on material and consumable stores. It was to enjoy priority both over any other tax levied on the Company then or in the future and also over any other charge whatsoever. The railway tax was retained as a contribution to the new annuities 'not only from the point of view of security but also as a suitable method of raising the necessary revenue'.[1]

The remainder of the annuity was to be drawn from the German Budget. Since the payment by the Railway Company was fixed for thirty-seven years at 660 million Reichsmarks, the Budget contribution would vary with the total amount of the annuity. Thus, for the year 1930–1, it was to total 1,047·9 million Reichsmarks, and in the thirty-seventh year a maximum of 1,768·8 million Reichsmarks. Thereafter the contribution from the Railway Company was to cease, the annuity to decline roughly by one-third, and the Budget contribution to cover the whole remaining German liability, i.e. about 1,700 million marks a year. The average annual increase in the budgetary contribution during the first twenty years of the plan was to be 24 million Reichsmarks, or less than one-quarter of one per cent. of the total revenues of the Reich at the time of the Report. The Committee considered that 'this moderate and gradual increase . . . ought to be met in ordinary years without recourse to additional taxation'.[2]

As compared with the annuities under the Dawes Plan the new annuities represented a substantial reduction in terms of money. Thus, comparing first the *standard* annuity under the Dawes Plan with the *average* annuity during the first thirty-seven years of the Young Plan, Germany benefited by roughly 500 million marks a year (the difference between the Dawes standard annuity of 2,500 million marks and the average Young annuity of 1,988·8 million marks) during the first thirty-seven years, with the service of the Dawes Loan added. Comparing the *total* annuity under the Dawes Plan with the *average* annuity under the Young Plan, the position was still more favourable; for whereas the Dawes Plan provided for additions to the standard annuity based on the movements of an Index of Prosperity (and on fluctuations in gold prices), the Young Plan fixed the German annuities at an average of 1,988·8 million marks (plus the Dawes Loan) for the first thirty-seven years and of roughly 1,700 million marks for the last twenty-two years. Thus under the Young Plan,

[1] *Young Report*, p. 19.

[2] *Op. cit.*, p. 22.

in addition to gaining substantial and definite relief in terms of money, Germany, on the one hand, was released from the undesirable element of uncertainty which was necessarily bound up with the operation of the Dawes Index of Prosperity; but, on the other hand, she had lost the safeguard which the Dawes Plan provided against the effects of a heavy fall in gold prices and the consequent increase in the real burden of Reparations. Comparing, finally, the charge on the German Budget under the two plans, the position was slightly different. Under the Dawes Plan the standard annuity of 2,500 million marks involved, *inter alia*, a budgetary charge and a contingent liability arising from the operation of the Index of Prosperity. The standard budgetary charge amounted to 1,250 million marks, the remaining 1,250 million marks being found as to 290 millions from the transport tax, as to 300 millions from the industrial debentures and as to 660 millions from the railway bonds. Under the Young Plan the budgetary charge was the difference between the total annuity and the fixed sum of 660 millions payable by the German Railway Company. Since the total annuity fluctuated, this difference also fluctuated, rising from 1,047·9 millions in the first full year (1930–1) to a maximum of 1,768·8 millions in 1965–6. Under the Young Plan, therefore, the budgetary charge, though smaller at the outset than the standard budgetary charge under the Dawes Plan, rose ultimately to a figure which exceeded the standard budgetary charge under the Dawes Plan. On the other hand, under the Young Plan the proceeds of the transport tax and an amount equivalent to the service of the industrial obligations [1] were available for the purposes of the German Budget; and, in any case, the Young Plan removed the contingent budgetary liability which the Dawes Index of Prosperity imposed. It was doubtless with these various facts and comparisons in mind that the Young Committee stated in their *Report* that the new annuities 'start at a level which . . . gives immediate and important relief to the German Budget, . . . makes possible an immediate resumption of the tax reduction programme which has been in force since 1924, . . . will give a strong stimulus to saving and thereby materially assist in the internal formation of the new capital which Germany still requires', and 'provides the greatest possible assurance that the new scheme will function from the beginning without any hitch or disturbance'.[2]

The Young Committee repeatedly stressed their opinion that the

[1] The Young Committee pointed out that the charge imposed by the industrial obligations 'in no way differs from ordinary taxation save in the complications it involves'. *Young Report*, p. 21.

[2] *Young Report*, p. 22.

new annuities were well within Germany's capacity. Thus they stated their belief 'that in the scale of annuities and the conditions recommended we have given proper regard to the potentialities of all the economic conditions and financial forces normally and naturally involved'.[1] Again, they wrote that 'it is to be emphasized that the total amount of the annuity proposed, while being far from covering the claims set forth by the Creditors, is one which they have every reason to believe can in fact be both paid and transferred by Germany'.[2] If the Committee nevertheless felt compelled to divide the annuities into two parts, the one unconditionally payable and the other postponable in certain circumstances, what was their reason for doing so? The answer was threefold. First, by this means it was possible to satisfy the scruples of the German experts as to what they could unconditionally carry out in all times and circumstances. Secondly, the device thus adopted created conditions in which the capital sums represented by at least a portion of the annuities could be mobilized, and converted the payments from an Inter-Governmental transaction into the normal financial relations ordinarily existing between private or public debtors and their creditors—which would naturally have been impossible if risks of non-payment were present. Thirdly, it permitted the total to be fixed, not at the necessarily low minimum which alone might be payable in times of stress and difficulty, but at a sum reasonably corresponding to Germany's true capacity to pay. By the means which were adopted, many of the difficulties of the transfer problem were overcome. The Committee stated that the fixing of the actual figure was 'not the least difficult part of the task'; they recognized that the amount finally settled upon was 'conservative'; but they were 'satisfied that it is wiser deliberately to underestimate than to run the slightest risk of weakening German credit by proposing a figure which might not command instant acceptance by well-informed public opinion'.[3] Nevertheless, they wrote that the range between the unconditional and the conditional annuities 'is not to be taken as evidence of doubt as to Germany's capacity of transfer (or of payment); it represents rather the concession that has been made to the honourable determination of the German experts not to make themselves unconditionally responsible for any obligation which they are not certain is within their power of performance in all circumstances'.[4]

The safeguards contained in the plan lay essentially in the power to postpone the transfer of part of the annuities. This power might

[1] *Op. cit.*, p. 7.
[2] *Op. cit.*, p. 15.
[3] *Op. cit.*, p. 23.
[4] *Op. cit.*, p. 15.

be exercised by the German Government by giving at least ninety days previous notice; but in no case could any transfer be postponed for more than two years, nor could the total sum untransferred exceed the total of two consecutive conditional annuities. Any sums which might not be transferred were to be paid in Reichsmarks to the account of the Bank for International Settlements, which should direct their use in conjunction with the Reichsbank. In addition to these provisions, Germany might, in times of exceptional stress, also postpone payment in Reichsmarks up to a maximum of half the conditional part of the annuity; but this power might not be exercised unless the transfer of payments had been postponed for one year.

The Special Advisory Committee referred to above had to be convened by the Bank for International Settlements immediately any postponement was declared, and also at any other time when 'the German Government declare to the Creditor Governments and to the Bank for International Settlements that they have come to the conclusion in good faith that Germany's exchange and economic life may be seriously endangered by the transfer in part or in full of the postponable portion of the annuities'.[1] This Committee, which was to be composed of seven ordinary members nominated by the Governors of the Central Banks of Germany, France, England, Belgium, Italy, Japan, and the United States of America, and of not more than four additional co-opted members,[2] was to consider the circumstances of the then existing situation, 'make a full investigation of Germany's position in regard to her obligations' under the Young Plan, and 'indicate for consideration . . . what in their opinion are the measures that should be taken in regard to the application of the present (Young) Plan'.[3] In no case, however, was the Committee to concern itself with the unconditional annuities; nor should it have any other than advisory powers or be convened at other times.

While these were the main problems which the Young Committee faced and tried to solve, there were a number of other questions and difficulties which also had to be dealt with before an agreement could be reached. Three of these points—deliveries in kind, the Belgian marks claim, and the distribution of Germany's annuities amongst her creditors—were highly contentious; and, as has been shown in

[1] *Op. cit.*, p. 24.

[2] The ordinary members must not be 'officially connected with the banking institutions in question nor with the Government departments of their respective countries'. The co-opted members were to be discharged from office when their report had once been made. (*Young Report*, p. 25.)

[3] *Young Report*, p. 24.

the previous section, the last two at one time or another nearly brought about the collapse of negotiations. Three further points—the mobilization and commercialization of a portion of Reparations payments, the relation between Reparations and War Debt settlements with the United States, and the liquidation of the past—though far from simple or non-controversial—were more easily surmounted.

Deliveries in kind formed the greater proportion of German payments under the Dawes Plan;[1] they had therefore come to play an important role in the economic life of Germany. Nevertheless the Young Committee recognized that 'the unlimited continuation of this system' was impossible in the light of the many objections to which it was open, 'objections of a practical as well as a theoretical nature'. They felt, however, 'that its immediate cessation would not be in the interests of Germany or of the Creditor Powers, and that it would impose difficulties upon the export trade of Germany which might be injurious to her capacity to transfer'.[2] They therefore recommended that deliveries in kind should continue in existence for only a limited period and that they should form only a limited and decreasing amount of the postponable portion of the annuity, falling by 50 million Reichsmarks a year from 750 million in the first year to 300 million in the tenth year. The financial arrangements connected with deliveries in kind as well as with the other portions of the annuities were to be undertaken by the Bank for International Settlements; new and simpler regulations were recommended; and the Committee proposed that in the new regulations provision should be made 'permitting the several Powers to dispose of some part of their respective quotas of deliveries outside of their own territories under suitable restrictions'.[3]

The Belgian marks claim was not within the terms of reference of the Young Committee; but the Committee recognized that 'their Belgian colleagues cannot reasonably be expected, in view of the discussion which preceded the call of the Committee, to join in the Report except on the understanding that an agreement for the settlement of the Marks Claim' would 'be reached by direct negotiations between the Belgian and German Governments'.[4] In fact, arrangements were made, and were agreed to prior to the signing of the report, for such negotiations to be opened immediately; and they afterwards led to an agreement on an issue which at one time threatened to wreck the entire proceedings.

[1] See above pp. 116–20.
[2] *Young Report*, p. 25.
[3] *Op. cit.*, p. 26.
[4] *Op. cit.*, p. 57.

A still more difficult and controversial issue was raised in connexion with the distribution of the German annuities amongst the Creditor Powers. The original apportionment of Reparations was made at Spa in 1920, when approximately 52 per cent. was allotted to France, 22 per cent. to the British Empire, 8 per cent to Belgium, 10 per cent. to Italy, and smaller percentages to the other Creditor Powers. With the coming into operation of the Dawes Plan and the London Agreement, various adjustments proved necessary and were effected in the Finance Ministers' Agreement of the 14th January, 1925.[1] During the discussions of the Young Committee fresh claims were put forward which led to a further readjustment; and the Committee (which dealt with this question formally, albeit reluctantly) accordingly made recommendations on it which were 'drawn up after careful examination of the existing distribution arrangements and of other relevant considerations . . . and with due regard to the rights and equities of the other countries having a share in the Dawes annuities'. These recommendations the Committee considered to be 'an inseparable part' of their report.[2] The revision of the shares involved both the postponable and the unconditional annuities as well as deliveries in kind. The widest departure from the terms of the Spa Agreement was made in respect of the unconditional annuities, no less than 500 million Reichsmarks out of 660 millions being allocated to France, subject to the provision by the French Government of a guarantee fund. This arrangement was made in order to allow France 'to mobilize a substantial part of her share in the total annuity'.[3] The approval of the report by the experts of the principal creditor countries was 'made formally contingent on this distribution'.[4]

The provisions relating to mobilization operated within the framework of the Bank for International Settlements. The term 'mobilization' meant, of course, the capitalization of the unconditional proportion of the annuity. Apart from technical details, the essential elements were the collateral guarantee comprising: (*a*) in the case of the Railway Company an acknowledgement of the liability to pay 660 million Reichsmarks per annum; and (*b*) in the case of the Reich an undertaking to assign as a 'negative pledge' certain revenues (customs and certain taxes on consumption) with a total yield of not less than 150 per cent. of Germany's highest Budget contribution

[1] For the details of this agreement, see the *Survey for 1924*, pp. 396–9.
[2] *Young Report*, p. 19. [3] *Op. cit.*, p. 65.
[4] *Op. cit., loc. cit.* The distribution of the German annuities was the subject of the two Conferences held at The Hague in 1929 and 1930, which will be dealt with in a later volume of the *Survey*.

under the Plan. The term 'negative pledge' meant that the revenues were not to be assigned as a pledge to any other loan, but were not actually assigned as security to the annuities.

The *de facto* connexion between Reparations payments and Allied debt payments to the United States was recognized in a special memorandum of the members of the Young Committee other than the American members. This memorandum, while 'concurrent', was 'not a part of the Report'.[1] It provided for the apportionment between Germany and the Allied Creditors of any reduction in the latters' payments to the United States. During the first thirty-seven years two-thirds of the net relief, if any, thus obtained was to benefit Germany by reducing correspondingly her annuity obligations; during the last twenty-two years the whole relief was to be applied to reducing Germany's liability.

The last of the special points which the Committee cleared up related to the liquidation of the past. The Committee recommended a settlement of all outstanding claims, both by the Allied Powers and by Germany, on a basis of mutual concession. They likewise recommended the final clearing up of all outstanding questions concerning liquidated German property and the cessation of the right of the Allied Powers in future to liquidate such property. The Committee also pointed out that their plan 'necessarily involves the dissolution of the joint liability of Germany on the one side with Austria, Hungary, and Bulgaria on the other side for Reparation and therefore finally abolishes every obligation present or future in either direction which may result between these Powers from this joint liability'.[2] By this sweeping proposal a vast mass of technical and controversial issues was thus cleared out of international life.

The Young Committee themselves summarized as follows the main differences of their plan and the Dawes Plan:

> The Dawes Plan, although drawn up at a time of intense crisis, has, by a test lasting nearly five years, justified by facts the postulates on which it was based as regards both the restoration of the public finances of Germany and her economic recovery.
>
> It may be well to summarize briefly the points of advantage—whether to Germany or her Creditors—claimed for the new proposal, which justify a departure from a scheme that has in the past rendered signal service.
>
> The plan drawn up by the Committee to afford a definite solution of the Reparation question accompanies a reduction in the existing obligations of Germany by an essential modification in their financial and political status. In so far as the Creditors are relinquishing substantial

[1] *Young Report*, p. 66.

[2] *op. cit.*, p. 27.

advantages in the face value of payments due under the Dawes Plan, they are doing so only by reason of those improvements in intrinsic and available values which arise from the practicability and certainty of commercialization and mobilization within a reasonable period and in its attendant financial and economic psychology.

Among the modifications which are considered specially important are the following:

(1) *Fixation of the period and the debt.*

The Dawes Plan imposes in virtue of the Index of Prosperity increasing annuities, of which the number are not fixed. The new programme indicates a definite number of fixed annuities.

(2) *Disappearance of the Index of Prosperity.*

Only estimates, which vary very widely, of the ultimate effect of the Index of Prosperity can at this date be made. But in no circumstances could Germany benefit therefrom, and the disappearance of this element of uncertainty is wholly to her benefit.

(3) *Attainment of financial autonomy.*

Under the Dawes Plan Germany can only obtain the discharge of her obligations in marks by the existence of a system of transfer protection which involves a measure of external control. This brings attendant limiting effects on German credit and financial independence which render difficult, if not impossible, any mobilization of the German debt. The new plan would be abandoning the fundamental purposes for which it was intended if it did not cancel this clause and leave to Germany the obligation of facing her engagements on her own untrammelled responsibility.

(4) *Postponement safeguards.*

Nevertheless, if an exceptional emergency interrupts the normal course of economic life to which the scheme is adapted, Germany can, on her own initiative, resort to certain measures of temporary relief.

The annuity is divided into two parts, of which one is subject to postponement of transfer and payment. Germany will thus be enabled under certain circumstances temporarily to relieve her balance of payments, and will in fact enjoy the advantages of a form of transfer protection without its attendant limitations.

(5) *Deliveries.*

While the Dawes Plan reluctantly accepted the expedient of deliveries in kind, the new Plan, in spite of the desire of the Creditor Powers to dispose freely of their shares of the annuities, recognizes the undesirability of a sudden cessation of the system at present in force. The creditors are therefore to take deliveries in kind for ten years, but in decreasing amounts beginning with 750 millions.

(6) *Mobilization.*

From the point of view of the Creditor Powers an essential feature of the new Plan, which induces them to agree to reduction on their claims

that leave them burdened with a considerable part of their expenditure for the damages caused by the war, is the fact that the annuity is paid in a form lending itself to mobilization.

(7) *Financial organization.*

The organization and machinery of the Dawes Plan were based on the conviction that it must find its proper guarantee in the interest of all parties to carry it out in good faith. In aiming as it did at the transference of the Reparation payments from the political to the economic and business sphere, it presumed constant co-operation of debtor and creditors alike. The new system goes further along the same road, replacing the collaboration of separate administrative and governmental organization by common work in a purely financial institution, in the management of which Germany is to have an appropriate part. The present administrative organizations cannot have all the elasticity necessary for banking transactions of the magnitude of the payment and transfer of the annuities; but the new Bank in close association with the banks of issue and with the banking facilities at its command will have all the necessary means of effecting these operations without disturbance to the German economy or to the economy of other countries. In addition, it will be in a position to open up to trade new possibilities of development. The operations which it is to undertake cannot be disturbed or hampered without irreparable damage to the credit of the countries concerned. This assurance should make it possible to limit the guarantees established under the present system for the protection of the rights of the creditors, to the minimum required for the prompt and facile commercialization of the mobilizable part of the annuity.

(8) *Summary.*

The proposed plan continues and completes the work begun by the Dawes Plan, which the position alike of Germany and of the other countries made it impossible to do more than indicate in outline in 1924. By the final reduction and fixation of the German debt, by the establishment of a progressive scale of annuities, and by the facilities which the new Bank offers for lessening disturbance in the payment of the annuities, it sets the seal on the inclusion of the German debt in the list of international settlements. If it involves appreciable reduction in payments to the creditor countries on what might have been anticipated under the continued operation of the Dawes Plan, it at the same time eliminates the uncertainties which were inherent in that Plan and were equally inimical to the interest of the debtor and to the creditors, by substituting a definite settlement under which the debtor knows the exact extent of his obligations.[1]

The Young Committee approached their task with the same attitude as the Dawes Committee—whose Report indeed they quoted with approbation—'as business men anxious to obtain effective results. We have been concerned with the technical, and not the

[1] *Young Report*, pp. 29–31.

political, aspects of the problem presented to us. We have recognized indeed that political considerations necessarily set certain limits within which a solution must be found if it is to have any chance of acceptance. To this extent, and to this extent only, we have borne them in mind'.[1]

They fixed the number and amount of Germany's annuities and provided 'for the conversion of the Reparation debt from a political to a commercial obligation'.[2] They set up 'an institution whose direction from the start shall be co-operative and international in character; whose members shall engage themselves to banish the atmosphere of the War, to obliterate its animosities, its partisanships, its tendentious phrases; and to work together for a common end in a spirit of mutual interest and goodwill'.[3]

'It has been our object', they wrote, 'to make proposals for financial obligations which, with the conditions and safeguards that accompany them, shall be within Germany's capacity to pay, and we believe that we have achieved this purpose. We realize the responsibility of this declaration, and we recognize how much depends on the future attitude towards one another of the peoples which, by ratification of their respective Governments, are to become parties to this agreement. For the solution of the Reparation problem is not only a German task but in the common interest of all the countries concerned; and it requires the co-operation of all parties. If their attitude should be tinged with antagonism, even with suspicion, or a desire to create or continue one-sided economic discriminations, a settlement perfectly feasible with good-will would sooner or later encounter difficulties, so that the long, slow, patient task of reconstruction in Europe would be definitely retarded. For without good faith and mutual confidence all agreements, all guarantees are unavailing. If, on the other hand, our proposals are adopted with goodwill by all concerned, and the rest of the world has confidence in the constructive value of this mutual accord, then indeed there can be no reasonable doubt that the agreement will be capable of complete fulfilment, and the nations it concerns will be brought to a higher level of economic stability and of mutual understanding than ever before.'[4]

The account which we have given of the Young Plan is by no means exhaustive. It serves, however, to show that the Committee was able

[1] *Dawes Report* (*Cmd. 2105* of 1924), p. 12; quoted by the Young Committee on p. 5 of their *Report*.
[2] *Young Report*, p. 5.
[3] *Op. cit.*, pp. 5 and 6.
[4] *Young Report*, pp. 31 and 32.

to make proposals which fell within certain guiding principles. The most important result was that the process of transferring the Reparations question from the political to the economic sphere was completed. Not only did this apply in the strictest sense to the payment of Reparations by Germany, but it was also true in a wider sphere, since the signing of the Young Report was followed by the final evacuation of the Rhineland by the Creditor Powers four and a half years before the date laid down in the Treaty of Versailles. In this chapter, however, we are concerned with the former aspect and merely note the wider results in passing. The transfer to the economic sphere was emphasized by the machinery which it was proposed to set up, involving the substitution of the Bank for International Settlements, under the control of representatives of the Central Banks of both Germany and the Creditor Powers, for the Reparation Commission with its agencies, a body on which Germany was not represented and which was ultimately subject to the orders of the Creditor Governments.

Germany herself benefited greatly by this change as well as by the definite establishment of the amount which she was liable to pay, with provision for temporary relief, if future events rendered the burdens for the time being excessive. The Creditor Powers made some sacrifices, but secured an agreement which was sounder economically and the carrying out of which was more in Germany's interest. They were further specifically guaranteed against all their out-payments on account of Inter-Ally Debts and, with the exception of Great Britain,[1] were to receive substantial sums on account of Reparation for War damage. While the proposals of the Young Report still had to be accepted by the Governments concerned, the prospects for the future of the Reparations problem were brighter, when the Committee's work was ended, than at any time in the past.

[1] It will be recalled that, under the terms of the Balfour Note, Great Britain had declared that she would not ask for more by way of payment on account of Reparation and Inter-Ally Debts due to her than would suffice to meet her liability for her War Debt to the United States.

PART II

WESTERN EUROPE

(i) The Evacuation of the Occupied Territories of Germany (1928–30).

In the *Survey for 1927*,[1] some account was given of the situation in the occupied territories of Germany during the years 1926–7. As is there recorded, there was a strong feeling in Germany that the natural corollary of the coming into force of the Dawes Reparation Plan in 1924 [2] and of the conclusion of the Locarno Agreements in 1925 [3] would be the complete evacuation of the Rhineland in advance of the dates laid down in the Treaty of Versailles for the withdrawal of Allied troops from the three zones.[4] Public opinion in Germany, especially in Nationalist circles, regarded the immediate termination of the occupation as a right which Germany was entitled to claim in virtue of Article 431 of the Versailles Treaty [5] and of the declaration of the 16th June, 1919, in which MM. Wilson, Clemenceau, and Lloyd George had held out the hope that the Rhineland might be liberated in return for satisfactory proof of Germany's intention to fulfil her treaty obligations.[6] This view, however, met with strong opposition in France, and during the years 1926 and 1927 it was clear that the most that could be expected would be the conclusion of a bargain, by which France would agree to withdraw the occupying troops in return for further concessions by Germany in the fields of finance and of security.

The possibility of a financial bargain, involving the payment of a lump sum by Germany as well as the marketing of German railway bonds, was discussed during the famous conversation between Mon-

[1] Part II A, Section (*d*).
[2] See the *Survey for 1924*, Part II A.
[3] *Survey for 1925*, vol. ii, Part I A, Section (iii).
[4] Article 428 of the treaty provided for the occupation of the 'German territory situated to the west of the Rhine, together with the bridgeheads', for fifteen years from the coming into force of the treaty, but Article 429 defined three zones which were to be evacuated at the end of five, ten, and fifteen years respectively 'if the conditions of the present treaty are faithfully carried out by Germany'. The first, or Cologne Zone, had actually been evacuated in January 1926, a year after the date mentioned in the treaty (see the *Survey for 1925*, vol. ii, Part II B, Section (ii)), and the second, or Coblenz Zone, was due to be evacuated in January 1930.
[5] Article 431 provided that 'if before the expiration of the period of fifteen years Germany complies with all the undertakings resulting from the present treaty, the occupying forces will be withdrawn immediately'.
[6] See the *Survey for 1927*, p. 102.

sieur Briand and Herr Stresemann at Thoiry on the 17th September, 1926,[1] but it did not prove possible to make any immediate progress on the lines of the provisional agreement reached at Thoiry. The question of an additional guarantee from Germany in the field of security also came under discussion during the negotiations which preceded the transfer to the Council of the League of Nations of responsibility for the control of German armaments, in accordance with Article 213 of the Versailles Treaty,[2] after the Inter-Allied Commission of Control which had been supervising the disarmament of Germany had been withdrawn on the 31st January, 1927. During these negotiations, France put forward the argument that supervision by the League of Nations would not suffice in the case of the demilitarized zone in the Rhineland,[3] and that it would be necessary to establish a special organization of some kind to exercise permanent control over that zone. German public opinion, however, was strongly opposed to any further interference by foreign Powers, and the German Government refused to give their consent to any arrangement by which a portion of German territory would continue to be subject to control, other than that to be exercised by the League of Nations, after the 10th January, 1935, when, according to the terms of the treaty, the occupation would come to an end. The settlement reached in December 1926,[4] by which the Allied Powers virtually recognized that Germany had fulfilled her disarmament obligations under the Versailles Treaty, was only made possible by an agreement to waive, for the time being, the vexed question of the control of the demilitarized zone. The report adopted by the Council of the League on the 11th December [5] allowed for the possibility of further negotiations on the subject by providing that 'special control by local standing and permanent groups' in the demilitarized zone should not be established 'except by convention between the Governments concerned'; and it was clear that this was one of the points on which France would expect concessions from Germany if formal

[1] *Op. cit.*, Part II A, Section (*e*). [2] *Op. cit.*, Part II A, Section (*c*).

[3] That is, the German territory on the left bank of the Rhine and a strip on the right bank 50 kilometres wide, which were to remain permanently demilitarized in accordance with Articles 42 and 43 of the Versailles Treaty.

[4] *Survey for 1927*, pp. 95–8. As part of this settlement it was arranged that technical experts should be attached to the Embassies in Berlin of the Powers formerly represented on the Commission of Control and should keep in touch with the competent German authorities until such time as they could report that all the measures agreed upon had been carried out. These experts were withdrawn on the 31st January, 1930, by a decision of the Conference of Ambassadors.

[5] *Survey for 1927*, p. 98.

discussions took place regarding the evacuation of the Rhineland before the treaty dates. Such discussions, however, were not opened during 1927, and at the end of that year the only concrete advantages which Germany had secured in respect of the Rhineland were the introduction of a number of alleviations in the conditions of the occupation [1] and the reduction of the total number of the Allied troops to 60,000.[2]

This was the position when, on the 1st January, 1928, the question of the evacuation of the Rhineland was officially raised by President von Hindenburg in a speech which he made on the occasion of his New Year reception of the Diplomatic Corps. The President's reference to this question was followed on the 30th January by a speech [3] from Herr Stresemann in the Reichstag, which at once brought the Rhineland into the forefront of international politics. Herr Stresemann referred to the improvement that had taken place in Franco-German relations in the economic sphere since the conclusion of a commercial treaty on the 17th August, 1927,[4] and pointed out that the principal obstacle to a similar improvement in political relations was the continued occupation of the Rhineland. In view of the obligations undertaken by Germany and by Great Britain at Locarno, he dismissed the French demand for further guarantees of security as hypocritical, and declared that a discussion of the question of evacuating the Rhineland was 'not only a formal right of Germany under the Versailles Treaty'; it was also 'a logical consequence, though not expressly formulated, of a treaty excluding the use of force by one country against the other'. 'We demand evacuation', he added, 'above all because it [the occupation] is an unsurmountable obstacle to a Franco-German understanding and because the great ideas of the Locarno policy cannot make headway as long as this anomaly exists.' In conclusion, Herr Stresemann referred to the proposals which had been discussed at Thoiry. He could not say whether those proposals would be revived when conditions changed; but the German Government had made it known at Thoiry that they

[1] *Op. cit.*, p. 106. [2] *Op. cit.*, p. 108.

[3] A translation of the relevant part of this speech is printed in *Documents on International Affairs, 1928.*

[4] For the economic negotiations between France and Germany between 1924 and 1926 see the *Survey for 1925*, vol. ii, Part II B, Section (iii) (*a*). Ratifications of the Treaty of the 17th August, 1927, were exchanged on the 15th May, 1928, together with those of a treaty regarding frontier delimitation signed on the 14th June, 1925. At the beginning of June 1928 negotiations were opened on various questions in connexion with the régime in the frontier districts and on the 25th April, 1929, an agreement was signed laying down the conditions for trans-frontier communications.

were prepared in principle to anticipate their payments under the Dawes Plan; and they would not reject on principle 'a discussion on questions concerning an observation of conditions in the frontier area for the remainder of the period provided for the occupation of the Rhineland'. But they could not 'leave the impression that Germany is prepared to purchase the curtailment of the Rhineland occupation with the acceptance of permanent measures which go beyond the Treaty of Versailles'.[1]

Herr Stresemann was answered by Monsieur Briand in a speech before the Senate on the 2nd February, 1928. Monsieur Briand recalled the fact that the occupation of the Rhineland was a guarantee for the execution of the Versailles Treaty and that it had been intended in particular to secure three objects: the punishment of war criminals (this had subsequently been abandoned); the disarmament of Germany; and the payment of Reparation. When he had discussed Franco-German relations with Herr Stresemann at Thoiry he had advised him, if he wished to secure the withdrawal of the occupying forces before the treaty dates, to hasten the settlement of outstanding questions in connexion with disarmament, and to examine the possibility of anticipating the Reparation payments due under the Dawes Plan. Herr Stresemann had promised to submit financial proposals; his failure to do so was to be explained by the unfavourable condition of world markets. But for France the question was still one of 'do ut des'. It was a matter of business, which must be treated on practical lines. In regard to security, Monsieur Briand admitted that the machinery for guaranteeing the Rhineland frontier would be adequate, provided that it really functioned, and he indicated the kind of organization which France desired to set up in order to make the machinery effective—an organization which would be purely civilian and not calculated to offend German susceptibilities. 'Il ne s'agit donc nullement d'un système rébarbatif contre l'Allemagne, mais d'un système aussi tenu que possible, d'un simple instrument d'enregistrement ou de constatation permettant de faire jouer éventuellement le mécanisme des garanties internationales.'

Monsieur Briand took occasion in his speech to refer to the inter-Allied nature of the occupation, and to point out that the question of evacuation could not be settled by France alone. In practice, however, the attitude of France would obviously be the determining

[1] Herr Stresemann dealt with the question of the Rhineland again in a second speech in the Reichstag on the 1st February, 1928. A translation of the relevant passages of this speech, also, will be found in *Documents on International Affairs, 1928.*

factor. Herr Stresemann, in his speech of the 30th January, 1928, had referred to the 'increasing number of voices' which were being raised in Great Britain 'to ask what the British troops are still doing on the Rhine'; and the British Government were known to hold the view that a speedy evacuation of the Rhineland would be desirable, although they were not prepared, for reasons of general policy, to take the initiative by withdrawing their own troops unless France also withdrew hers.[1] Their standpoint was defined once more on the 9th February, 1928, when Mr. Locker-Lampson, replying to a question in the House of Commons, said that 'there was no question of the isolated withdrawal of the British troops' and that, while a general evacuation of the Rhineland could only be the result of an arrangement between the occupying Powers and the German Government, if such an arrangement were possible it would be 'very welcome to His Majesty's Government'.[2] As for Belgium, the other occupying Power, she aligned herself with France, and through the mouth of Monsieur Hymans [3] declared herself ready to negotiate on the question of evacuation as soon as Germany should formulate specific proposals concerning Security and Reparations.

By the end of February, therefore, each of the four Powers concerned in the occupation of the Rhineland had made a public declaration of its policy, and it was already clear on what lines the discussions were likely to proceed between the two parties primarily interested.[4]

[1] See the *Survey for 1927*, p. 107.

[2] See also the statement made by Sir Austen Chamberlain in reply to a parliamentary question on the 18th July, 1928.

[3] In a speech before the Senate on the 21st February, 1928. Passages from this speech are quoted, in translation, in *Documents on International Affairs, 1928*. Monsieur Hymans made it clear on this occasion that Belgium would make her consent to evacuation conditional on a settlement of the German marks question. For the subsequent discussions on this matter see the present volume, Part I B, section (ii), pp. 134, 136, 145, 150, 160.

[4] References made by Monsieur Briand in his speech of the 2nd February to the difficulties attending on disarmament and the need of security in Eastern Europe were interpreted in some quarters to mean that the question of an 'Eastern Locarno' would be introduced into the discussions on the Rhineland. The thesis that the occupation of the Rhineland was intended to be a guarantee for the security of all the Allied and Associated Powers was publicly stated in June by Monsieur Zaleski, the Polish Foreign Minister, and the idea that the armies of occupation ought to stay in the Rhineland until Poland was satisfied that her frontier was safe from German aggression received some support in the French press. On the 27th June, however, Sir Austen Chamberlain, replying in the House of Commons to a request for an assurance that 'His Majesty's Government did not contemplate the grant of further guarantees to the Government of Poland in connexion with the evacuation of the Rhineland', said that the Government had 'repeatedly stated that this country cannot give further guarantees or increase the obligations which it has taken by the Covenant of the League and the Treaty of Locarno'. Polish spokesmen continued to assert

Although the German Government now formally identified themselves with the thesis that Germany was entitled to claim as a right the immediate and unconditional evacuation of the Rhineland, they showed themselves prepared to negotiate on the question of Reparations, and even to discuss special arrangements for an 'observation of conditions' in the Rhineland during the remainder of the period of occupation provided for by the Treaty of Versailles. It was obvious, however, that while Germany might still be prepared, in 1928, to make concessions in order to secure the evacuation of the Rhineland in advance of the treaty dates, the price which she would be prepared to pay would diminish in proportion as the passage of time brought her nearer to the date when, under the terms of the treaty, the Rhineland would automatically be freed; and even in 1928, when the occupation of the third zone had still seven years to run, the price demanded by France would evidently be considered too high if it included proposals for the maintenance of control over the Rhineland after 1935. This was a point, therefore, on which the negotiations must be expected to prove difficult. On the French side, the argument that the armies of occupation were a guarantee of security which could not be abandoned was no longer stressed, but the German contention that evacuation could be claimed as a right was met by the contention that, under the Treaty of Versailles, evacuation was only to take place, even at the end of fifteen years, if the conditions of the treaty were 'faithfully carried out' by Germany, and that the treaty had expressly linked the occupation with the payment of Reparations [1]—with the implication that Germany would not be entitled to claim evacuation until she had paid the last penny of her Reparation debt.[2] Monsieur Briand's speech made it

their country's interest in the evacuation question, but the idea of an 'Eastern Locarno' does not appear to have played any part in the negotiations between Germany and the occupying Powers.

[1] Article 430 provided that if, either during the occupation or after its termination, the Reparation Commission should find that 'Germany refuses to observe the whole or part of her obligations under the present Treaty with regard to reparation, the whole or part of the areas specified in Article 429 [that is, the three zones which were to be evacuated at the end of five, ten, and fifteen years respectively] will be re-occupied immediately by the Allied and Associated forces.'

[2] This argument had been dealt with by Herr Stresemann in his second speech in the Reichstag on the 1st February, 1928, when he had pointed out that 'if that article of the Treaty of Versailles really meant the payment of the last million, then the reference to the evacuation of the Rhineland would have no sense at all'. This controversy over the legal right of Germany to ask for evacuation in advance of the treaty dates, which turned on the interpretation of the treaty and the compatibility or incompatibility of its different articles, came to the front a few months later. See below, pp. 177–9.

clear that 'unconditional' evacuation did not come within the sphere of practical politics and that the problem must be approached, as it had been at Thoiry, on the lines of a business transaction, in which France would attempt to balance evacuation against a Reparation settlement [1] and the establishment of some kind of permanent control over the demilitarized zone. Herr Stresemann was still prepared to bargain, and the stage was therefore set for the opening of formal negotiations after the general elections which were pending in both France and Germany had taken place.

The elections took place in France in April and in Germany in May 1928. In France, Monsieur Poincaré returned once more to power, with Monsieur Briand as his Foreign Minister. In Germany, also, there was no change in the Foreign Minister, and when, on the 3rd July, the new Socialist Chancellor of the Reich, Herr Müller, made the customary declaration in the Reichstag of the policy which his Government intended to follow, he showed that the swing to the Left which had taken place in Germany as a result of the elections did not imply any change of policy in regard to the Rhineland. He reiterated the demand for the immediate evacuation of the occupied territory and referred to the unanimous support of the nation which was behind the demand.[2] At the beginning of August the German Government appear to have made inquiries in Paris, London, Brussels, and Rome in order to ascertain whether it would be considered opportune for Herr Stresemann to take up the question of the Rhineland with the Foreign Ministers who would be assembled in Paris on the 27th August for the ceremony of signing the 'Kellogg Pact'.[3] The replies to these *démarches* seem to have been unfavourable, and Germany was expected to postpone her initiative until September, when the representatives of the interested Powers would meet again at Geneva for the ninth session of the Assembly of the

[1] Until the negotiations actually opened at Geneva in September 1928, the indications were that France intended to link the question of Inter-Allied Debts with that of Reparation and to insist that the settlement must cover both sides of the problem. At Geneva, however, the British delegate, Lord Cushendun, took the line that Great Britain could not accept any arrangement which might involve an appeal to the United States for the remission of debts, and Monsieur Briand let the question of Inter-Allied Debts drop.

[2] Herr Müller mentioned the Saar as part of the occupied territory the evacuation of which was demanded. The position in the Saar was of course quite different from that in the Rhineland; but the return of the district to Germany in advance of the date fixed by the Versailles Treaty for the holding of a plebiscite had apparently formed part of the bargain discussed at Thoiry (see the *Survey for 1927*, Part II A, Section (*e*)). The question of the Saar will be dealt with in a later volume.

[3] See the *Survey for 1928*, Part I A, Section (i).

League of Nations. During August, however, it was decided that Herr Stresemann, who was not in good health, should not attend the League Assembly, and he therefore took the opportunity afforded by his visit to Paris at the end of August to break the ground with the French Government in preparation for formal negotiations at Geneva.[1] He had conversations with Monsieur Briand on the 26th August and with Monsieur Poincaré on the 27th. No official account of the discussions was published, but the French Ministers were understood to have indicated that the evacuation of the Rhineland would only be considered when a Reparation settlement had been reached.

The German delegation to the ninth session of the League Assembly was headed by the Chancellor, Herr Müller. In a statement to the press before his departure for Geneva on the 1st September, Herr Müller asserted once more the claim that what Germany had accomplished in the past and what she was prepared to accomplish in the future gave her the right to demand the immediate and unconditional withdrawal of the armies of occupation from the Rhineland. To this declaration of principle the German Government held steadfastly throughout the negotiations that followed. Neverthless, Herr Müller did not prove intransigent at Geneva, and while he contended, in theory, that the questions of the Rhineland and of Reparations were entirely independent of one another, he was willing to agree, in practice, that the two problems should be discussed on parallel lines. The French Government's insistence that a Reparation settlement was the essential condition of evacuation, however, did not mean

[1] During the last few months a number of minor incidents had occurred in the occupied territory which had given rise to a renewed feeling of bitterness in Germany. The authorities of the occupation, for instance, had refused permission for the completion of a railway station for the Opel Company's motor-car works at Russelsheim; and they had also demanded the extradition of four Germans who were accused of pulling down a French flag at Zweibrücken, and who had escaped into unoccupied territory. This demand for extradition was greatly resented and it was even urged in some quarters that Herr Stresemann should abandon his intention of signing the 'Kellogg Pact' in person if the demand was not cancelled. (The request for extradition was in fact withdrawn, before the end of August, on the instructions of the French Government.) Another matter on which there was strong feeling was the acceptance by the British authorities of an invitation from the French authorities for the only British cavalry regiment stationed on the Rhine to take part in the autumn manœuvres which were held annually by the French troops in the occupied territory. The British Government denied that there was any political significance in this Franco-British collaboration in the manœuvres, which opened on the 5th September; but the fact of British participation certainly added to the resentment which the French manœuvres in German territory naturally aroused.

that the second of the French desiderata—the organization of a system of control in the demilitarized zone—had been abandoned; and on this point Herr Müller was less prepared to yield.

The subject of the Rhineland was broached in an interview between Herr Müller and Monsieur Briand on the 5th September, and during the next few days a series of conversations *à deux* took place, by means of which the British, Belgian, and Italian [1] delegates at Geneva were brought into the discussions. While these private conversations were in progress a public exchange of views took place in the plenary session of the Assembly between Herr Müller and Monsieur Briand.[2] Both speakers dealt mainly with the general subject of disarmament and security, and neither made any direct reference to the question of the evacuation of occupied territory; but it was clear, nevertheless, that the Rhineland was not far from their thoughts. Herr Müller, on the 7th September, described to the Assembly the contributions which Germany had made towards the creation of a sense of security in Europe and deplored the lack of progress in bringing about that universal disarmament to which the unilateral disarmament of Germany was intended to act as a prelude. Monsieur Briand, in his speech of the 10th September, made the point that no country with Germany's population and industrial resources could ever be wholly disarmed. Monsieur Briand's use of this argument at this juncture was interpreted as a definitive rejection of the plea that Germany's fulfilment of her disarmament obligations and contributions towards security entitled her to favourable treatment in the matter of the Rhineland; and it seems to have finally destroyed any hopes which may have been entertained in Germany that the advent to power of a Government of the Left might incline France to abate her demands and even to recognize, in principle, Germany's moral claim to evacuation.

On the 11th September, the day following Monsieur Briand's speech in the Assembly, the series of informal discussions *à deux* was succeeded by a meeting in Lord Cushendun's room [3] at which the principal delegates of Belgium, Italy, and Japan were present in addition to Monsieur Briand and Herr Müller. Two more of these

[1] Both Italy and Japan (who was brought in at a later stage—see below) took part in the discussions as 'Principal Allied Powers', though it had been agreed at the time of the signature of the Versailles Treaty that neither should actually share in the occupation (see the *Survey for 1920–3*, p. 101).

[2] The text of both speeches is reproduced in *Documents on International Affairs, 1928*.

[3] Sir Austen Chamberlain, like Herr Stresemann, was absent from the Assembly for reasons of health, and Lord Cushendun was leading the British delegation.

six-Power conferences were held during the course of the Assembly, on the 13th and 16th September. Between the second conference and the third, meetings took place of the Cabinets in both France and Germany, and formal approval was given to the lines on which the negotiations at Geneva were being conducted by Monsieur Briand and Herr Müller respectively.

At the end of the third conference in Lord Cushendun's room on the 16th September, the following *communiqué* was issued to the press:

> At the conclusion of the third conversation which has taken place to-day, the representatives of Germany, Belgium, France, Great Britain, Italy, and Japan are able to record with satisfaction the friendly conditions in which an exchange of views has taken place regarding the question under consideration. An agreement has been reached between them on the following points:
>
> (1) The opening of official negotiations relating to the request put forward by the German Chancellor regarding the early evacuation of the Rhineland.
>
> (2) The necessity for a complete and definite settlement of the reparation problem and for the constitution for this purpose of a committee of financial experts to be nominated by the six Governments.
>
> (3) The acceptance of the principle of the constitution of a committee of verification and conciliation. The composition, mode of operation, object, and duration of the said committee will form the subject of negotiations between the Governments concerned.

The terms of this *communiqué* left it uncertain whether an early withdrawal of the armies of occupation might be expected or whether evacuation was to be postponed until the Reparation negotiations had reached a satisfactory conclusion.[1] On the subject of the arrangements contemplated in the demilitarized zone the *communiqué* was even less explicit. The project of a Committee of Verification and Conciliation ('Commission de constatation et de conciliation') had been foreshadowed as early as the 2nd February, 1928, when Monsieur Briand had referred to the French desire for an 'instrument d'enregistrement ou de constatation';[2] but since the composition, mode of operation and object of the committee were still to be the subject of negotiation, it did not appear that much progress had yet been made towards determining the nature of the organization. The fact that the duration of the proposed committee was also to be

[1] Monsieur Briand, in an interview with a representative of the *Frankfurter Zeitung* at Geneva, said that in his view the Reparation question could be solved in quite a short time, and that once a Reparation agreement had been reached, total evacuation would take place immediately.

[2] See above, p. 170. Cf. Herr Stresemann's remarks on the possibility of an 'observation of conditions' in the Rhineland (*loc. cit.*)

discussed proved that Herr Müller had not abandoned the contention that no arrangement subjecting the Rhineland to control after 1935 could be accepted by Germany.

Although the official *communiqué* of the 16th September, 1928, did not define the relation between the negotiations on evacuation and those on Reparations, it seems to have been tacitly agreed that the first step must be the appointment of a new Committee on Reparations and that it was Germany who must take the initiative in the matter. Informal discussions began early in October and continued throughout the month, and on the 30th the German Government communicated to the other Governments concerned their views on the composition and functions of the proposed committee. A further exchange of views then took place between the Allied Governments, and it was not until the 22nd December, 1928, that agreement was announced on the constitution and terms of reference of a new Expert Committee on Reparations. The first formal meeting of the Expert Committee, under the chairmanship of Mr. Owen D. Young, was held on the 11th February, 1929.[1]

In the meantime, the problems directly connected with the Rhineland had remained somewhat in the background. In November and December 1928, however, there had been a fresh discussion of the questions whether Germany's demand for 'unconditional' evacuation had a legal justification and what was the relation between the occupation of the Rhineland and the fulfilment of Reparation obligations. The demand for 'unconditional' evacuation was put forward again by Herr Stresemann in a speech in the Reichstag on the 19th November,[2] in which he referred to the 'great disappointment' felt by the German nation because its right to ask for the immediate withdrawal of the Allied troops had not been recognized at Geneva in September, and declared that Germany would not cease 'to maintain that she has a claim to the immediate evacuation of the entire occupied territory, and that this claim is not dependent either upon the solution of other problems or upon any other conditions. . . We cannot consider assuming, in return for evacuation, any political obligations extending beyond the treaty period of the occupation. Nor is it possible for us to purchase evacuation with financial compensations'. Herr Stresemann's reassertion of Germany's moral and legal right to evacuation, at a time when negotiations were in progress

[1] The various stages of the negotiations regarding Reparation are recorded elsewhere in the present volume (see Part I B, Section (ii).)

[2] Extracts from this speech are printed in *Documents on International Affairs, 1928.*

for the appointment of a Committee on Reparations, aroused both surprise and resentment in France. A fortnight later, on the 3rd December, 1928, Sir Austen Chamberlain was asked in the House of Commons at Westminster 'whether it was the opinion of His Majesty's Government that the German Government had carried out the terms of Article 431 [1] of the Peace Treaty; and if not whether the particulars in which Germany had not complied could be stated'. He replied as follows:

> There are two aspects of the question raised by the hon. member. His particular inquiry relates to the interpretation of the treaty and is a question of law. There is also a question of policy. On the question of law, his Majesty's Government are advised that there is no legal justification for the contention that Germany has complied with all the obligations imposed upon her by the treaty, so as to entitle her as of right under Article 431 or otherwise to demand the withdrawal of the forces at present occupying the Rhineland before the expiry of the period laid down in the treaty.
>
> The chief obligation with which Germany has not yet complied is that of reparations. In the opinion of his Majesty's Government the concession provided for in Article 431 could only take effect when Germany has completely executed and discharged the whole of her reparation obligations. It is not sufficient that she should be carrying out regularly her undertakings in the matter of current reparations payments. The phrase applicable to the punctual performance of current obligations is that used at the beginning of the article providing for the quinquennial reductions in the area under occupation, Article 429: 'If the conditions of the present treaty are faithfully observed. . . .'
>
> As to policy, which is equally important though decided by different considerations, I repeat that his Majesty's Government would welcome an early evacuation of the Rhineland by the French, British and Belgian forces, irrespective of the legal right of the ex-Allied Governments to continue their occupation until the expiry of the period fixed by the treaty.[2]

Sir Austen Chamberlain's exposition of the legal case against

[1] See above, p. 167.

[2] The shock which Sir Austen Chamberlain's statement gave to public opinion in Germany (where the implications of the last paragraph were not at first appreciated) was intensified by the fact that, during November, the British Government's desire to see the evacuation of the Rhineland had twice been reasserted—by Lord Salisbury in the House of Lords on the 6th and by Mr. Baldwin in the House of Commons on the 13th. Moreover, on the 8th November the Chancellor of the Exchequer, Mr. Winston Churchill, had replied to the question whether 'the Reparations settlement is bound up with the question of the evacuation of the Rhine territory' by a categorical denial. 'No', he said, 'that is an entirely separate matter, and it is also a desirable object.' Sir A. Chamberlain, on the 3rd December, explained the discrepancy between his version and Mr. Churchill's by saying that the Chancellor of the Exchequer 'was dealing with a different aspect of the matter'.

evacuation enabled Monsieur Briand, who made a speech on foreign affairs in the Chamber on the following day, the 4th December, to claim British support for the view (which he had, he said, explained to Herr Müller at Geneva) that juridically Germany possessed no right to ask for evacuation. The effect of these two declarations by the British and French Foreign Ministers was modified to some extent by a supplementary statement made by Sir Austen Chamberlain on the 5th December, in answer to another parliamentary question, when he emphasized the distinction between the legal aspect and the policy which was actually being followed, and explained that the Allied Powers were in fact acting in the spirit of the declaration of the 16th June, 1919, to which Germany appealed in support of her claim for evacuation.

The question of the Rhineland was discussed by Monsieur Briand and Sir Austen Chamberlain with Herr Stresemann 'on the fringe' of the fifty-third session of the League Council which opened at Lugano on the 10th December, but the colourless *communiqué* [1] issued to the press on the 15th December, at the conclusion of the conversations, showed that the Foreign Ministers had not yet succeeded in finding a satisfactory formula. The principal obstacle was still the proposal for a Committee of Verification and Conciliation, to the maintenance of which after 1935 the German Government were irreconcilably opposed. After the Lugano meeting it seems to have been agreed that it would be useless to discuss the question of the Rhineland again until the Expert Committee on Reparations had finished its deliberations.

The report of the Expert Committee was signed on the 7th June, 1929. Though the question of the evacuation of the Rhineland did not come within the committee's terms of reference, the report dealt with the matter incidentally, for it made no provision for the payment of the costs of the armies of occupation after the 1st September, 1929, on which date it was assumed that the 'Young Plan' would come into force. During the fifty-fifth session of the League Council, which was held at Madrid from the 10th to the 15th June, discussions took place regarding the measures which would be necessary to bring the Young Plan into effect, and the discussions were continued in Paris after the Council meeting had ended, when Herr Stresemann, on his way back to Berlin, had interviews with Monsieur Poincaré and Monsieur Briand. The outcome of these discussions was the decision that the political questions connected with the evacuation of the Rhineland should be dealt with at the Conference which was

[1] Text in *The Times*, 17th December, 1928.

to be summoned in order that the Powers interested in Reparations might consider the Young Plan and, if they approved it, conclude the necessary agreements for bringing it into force [1]: the Conference, in fact, would deal with all the problems coming under the heading of the 'liquidation of the War' as defined in the Geneva *communiqué* of the 16th September, 1928. There followed negotiations as to the date and place of the Conference, which was finally arranged for the 6th August at The Hague.

Statements made in Germany in the course of July by Herr Stresemann and Herr Müller showed that, in the view of the German Government, the heading 'liquidation of the War' covered the return of the Saar to Germany as well as the evacuation of the Rhineland. In connexion with the latter question, Herr Stresemann went so far as to say in the Reichstag on the 24th June that, rather than agree to the maintenance of a Committee of Verification and Conciliation in the Rhineland after 1935, the German Goverment would be prepared to abandon the advantages which they would secure under the Young Plan and see the whole of the negotiations come to nothing. The establishment of a Committee of Verification and Conciliation remained, officially at any rate, a cardinal point of French policy, and Monsieur Briand appears to have gone to The Hague with a detailed scheme for a Committee in his pocket; [2] but there were indications, nevertheless, that even Monsieur Poincaré was becoming converted to the view that the security of France would be guaranteed more effectively by a sincere *rapprochement* with Germany than by the creation, against Germany's will, of machinery for investigating suspected infringements of the Treaty of Versailles. The retreat which Monsieur Briand executed at The Hague, therefore, was not wholly unexpected.

The Hague Conference opened on the 6th August. On the follow-

[1] This was the procedure which had been adopted in 1924 in the case of the Dawes Plan (see the *Survey for 1924*, Part II A). It was at the London Reparation Conference of July to August 1924 that the formal decision to evacuate the Ruhr was taken.

[2] According to a report published in *The Manchester Guardian* on the 1st August, 1929, the French proposal was for a Committee of seven members, six of whom would be nominated respectively by each of the five 'Principal Allied Powers' and by Germany, while the seventh would be appointed by the League Council and would act as President. If any infringement of the Locarno Agreement or of the Versailles Treaty provisions regarding the demilitarized zone were suspected, the President, either on his own initiative or at the request of one of the members, would summon the Committee to verify ('constater') the suspected fact. The Committee's decisions, taken on a majority vote, were to have binding force, but a minority would have a right of appeal to the League Council or to the Hague Court.

ing day it was decided that the political and financial aspects of the work before the Conference should be dealt with simultaneously but independently by two committees. The Political Committee,[1] the chairman of which was the British Foreign Secretary, Mr. Arthur Henderson, dealt with the questions connected with the evacuation of the Rhineland, and these were also discussed at numerous private conversations between the delegates concerned. The question of the Saar Basin did not come formally before the Conference, but Monsieur Briand and Herr Stresemann agreed that Franco-German negotiations on the subject should begin at an early date.[2]

The work of the Political Committee proceeded with unexpected smoothness—owing perhaps, in part at least, to the fact that its activities were thrown into the shade by the difficulties encountered on the Financial Committee. While Herr Stresemann made it clear that Germany's acceptance of the Young Plan would be contingent on the immediate evacuation of the Rhineland (he made an explicit statement to this effect in the Political Committee on the 12th August), Monsieur Briand was equally positive that the evacuation of the Rhineland must depend upon a satisfactory financial settlement, and he refused to tie himself down to definite dates until an agreement in principle had been reached by the Financial Committee. The final decision regarding the withdrawal of the French troops was therefore postponed until the end of the Conference, and in the meantime the technical details connected with the process of evacuation were discussed with expert advisers. On the 19th August, however, Mr. Henderson announced at an informal meeting between representatives of the occupying Powers and of Germany that it was the intention of the British Government to begin the withdrawal of their troops in September, whether or not a financial settlement was reached at The Hague.[3] The Belgian Government also let it be known that

[1] Membership of the Political Committee was confined to the six 'inviting Powers' (the Principal Allied Powers and Germany), and the lesser states which participated in the financial discussions were not represented on it.

[2] Germany had made persistent efforts to induce France to include the Saar question among the matters to be discussed at The Hague, but the French Government refused to agree to this course.

[3] A reference made by Mr. Henderson, in the House of Commons on the 8th July, to the desirability of simultaneous evacuation by all the occupying Powers, had indicated that the Labour Government, which came into power in Great Britain on the 5th June, 1929, like the Conservative Government which had preceded them in office, saw the disadvantages of independent action by Great Britain in the matter of evacuation. Two days later, however, Mr. Henderson had assured the House that His Majesty's Government retained complete liberty to withdraw their troops when it seemed expedient.

they expected to have withdrawn their troops by the end of the year 1929.

The questions raised by the French proposal for a Committee of Verification and Conciliation were referred, on the 9th August, to a Committee of Jurists, consisting of the legal advisers attached to the various delegations, and this committee had reported by the 21st August. It came to the conclusion that the terms of the Treaty of Versailles did not justify the appointment of a special committee on the lines proposed by France, and it favoured the suggestion that the machinery of arbitration provided for by the Locarno Agreements [1] would prove adequate to deal with any difficulties that might arise in the demilitarized zone. The report of the Committee of Jurists was under consideration by the three occupying Powers and Germany between the 21st and the 28th August, and by the latter date they had agreed to accept the solution recommended by the jurists. Thus if France could maintain that, for practical purposes, her thesis of the interdependence of the Reparations and Rhineland questions had won the day, it was Germany who was entitled to claim the victory at the end of the long contest of wills over the position of the demilitarized zone. The decision to refer any difficulties which might arise in the Rhineland to the Arbitration Commissions established by the Locarno Agreements finally removed the threat, which had been hanging over Germany ever since the question of evacuating the occupied territory had first been discussed, that the Allied troops might be withdrawn only to give place to a new and possibly more onerous form of control.

In addition to the questions of the demilitarized zone and of the actual dates for evacuation, there were certain matters which had to be settled in connexion with the costs of occupation and with claims by Germany in respect of requisition and damages in the occupied territory. It has been mentioned above that the Young Plan made no provision for the payment by Germany of the costs of occupation after the 31st August, 1929, when payments under the Dawes Plan would cease; and since it was clear, whatever the decision reached at The Hague might be, that all the troops would not have left the Rhineland by the end of August, the occupying Powers must either make some arrangement with Germany or be prepared themselves to bear the whole cost of the occupation for so long as it might continue. In regard to claims by Germany for compensation, it was considered highly desirable to come to an agreement which would obviate the submission of claims after

[1] See the *Survey for 1925*, vol. ii, Part I A, Section (iii).

evacuation had taken place.[1] The difficulties in connexion with occupation costs and German claims were met by mutual concessions.[2]

At midnight on the 27th–28th August an agreement in principle was reached between the creditor Powers represented on the Financial Committee which made it practically certain that a financial settlement would be achieved and that the condition postulated by France for an agreement to evacuate the Rhineland would thus be fulfilled. On the 29th August the Political Committee was able to proceed to the adoption of its report,[3] and on the same day the French, British, and Belgian delegations addressed notes to Herr Stresemann setting out certain measures which they required the German Government to take in connexion with the evacuation of the Rhineland. An agreement fixing the time-limits for evacuation was concluded on the 30th August by an exchange of notes between MM. Briand, Henderson, and Hymans on the one side and Herr Stresemann on the other; and on the same day an agreement providing for the submission of difficulties arising in the Rhineland to the Locarno Arbitration Commissions was signed on behalf of Belgium, France, Germany, Great Britain, and Italy.[4]

The Joint Note of the 30th August, 1929, to Herr Stresemann recorded the fact that—

> In the course of the proceedings of the Political Commission of the Conference at The Hague the three Occupying Powers have agreed to begin the evacuation of the Rhineland during the month of September on the conditions laid down in the attached notes. The withdrawal of the Belgian and British forces will be completed within three months of the date on which the operation of evacuation begins. The French forces will evacuate the Second Zone within the same period. The evacuation of the Third Zone by the French troops will begin immediately after the Young Plan is ratified by the German and French Parliaments and put into operation. It will proceed without interruption as rapidly as physical conditions permit, and in any case will be completed at the latest in a period of eight months terminating not later than the end of June 1930.

[1] Claims on account of the Cologne Zone, which had been evacuated in January 1926, were still being considered at the time of the first Hague Conference.

[2] See p. 184 below for the details of the arrangements. The settlement involved a certain financial loss to Germany, but, as Herr Stresemann pointed out in the Reichstag on the 14th September, the evacuation of the Rhineland four and a half years in advance of the treaty date was worth the sacrifice of 30,000,000 marks and the abandonment of claims for damages.

[3] For the text of the report and of the speech made by Mr. Henderson in presenting it, see *The Times*, 30th August, 1929.

[4] The texts of the notes and agreements of the 29th and 30th August are printed in the British White Paper 'International Agreement on the Evacuation of the Rhineland Territory' (*Cmd.* 3417 of 1929).

It will be noted that the last sentence was not free from ambiguity.

The financial measures agreed on in connexion with the cost of the armies of occupation and with claims were as follows:

> The cost of the armies of occupation (including the expenditure of the Inter-Allied Rhineland High Commission) will be covered, as from the 1st September, 1929, by a reserve fund fixed at 60 million Reichsmarks; the German Government will participate in this fund by the payment of a non-recoverable lump sum of 30 million Reichsmarks. The occupying Powers will contribute to the capital of this fund in the following proportions:
>
> | | Per Cent. |
> |---|---|
> | France | 35 |
> | Great Britain | 12 |
> | Belgium | 3 |
>
> The occupying Powers and the German Government will reciprocally waive on the one hand all claims in respect of damages under Article 6 of the Rhineland Agreement which shall not have been paid in cash on the 1st September, 1929, and, on the other hand, all existing or future claims, of whatever date, in respect of requisitions and damages under Articles 8 to 12 of the Rhineland Agreement. Neither party will prefer any financial claim whatsoever in respect of an evacuated territory.
>
> The claims waived by the Governments of the occupying Powers are, in particular: their claims in respect of all balances existing in their favour in the 'special account' of the Agent-General for Reparation Payments (cf. 'additif' No. 2 of Brussels); credits arising out of advances made by the Agent-General under Article 6 and Articles 8 to 12 of the Rhineland Agreement; all claims to the sale value of all buildings constructed by the German Government for the armies of occupation and charged to the annuity.
>
> The measures contemplated are equally applicable to the troops of occupation and to the delegations of the Inter-Allied Rhineland High Commission and their personnel.
>
> In no case will Germany be obliged to make to the creditor Powers payments exceeding the above-mentioned sum, or be entitled to claim any part of that sum.[1]

By the agreement of the 30th August, the five signatory Powers noted that

> in order to facilitate in the common interest a friendly and practical settlement of any difficulty which may arise between Belgium and Germany or between France and Germany concerning the observance of

[1] Quoted from the Belgian note of the 29th August. The corresponding passage in the French note was practically identical. It was also stipulated in both the French and the Belgian notes that 'on the occasion of the evacuation of the occupied territory there should be an amnesty covering the facts connected with the occupation'. An amnesty agreement between Germany, France, and Belgium was duly signed at Coblenz on the 5th October, 1929.

Articles 42 and 43 of the Treaty of Versailles,[1] the German, Belgian and French Governments have agreed that the task of settling amicably any such difficulty shall be accomplished by the commissions set up under the arbitration agreements concluded at Locarno on the 16th October, 1925, by Belgium and by France with Germany. These commissions will act in conformity with the procedure laid down and with the rights accruing under these conventions.

If any such difficulty should arise, it will be submitted either to the Belgo-German Conciliation Commission or to the Franco-German Conciliation Commission, according to whether the difficulty arises between Belgium and Germany or between France and Germany.

This agreement does not in any way affect the general provisions applicable in such case and in particular is subject to the reservation that the powers of the Council and Assembly of the League of Nations to make investigations under Article 213 of the Treaty of Versailles remain intact. It is also subject to the understanding that each of the Powers who signed the Treaty concluded at Locarno on the 16th October, 1925, between Germany, Belgium, France, Great Britain and Italy retains the right to lay any difficulty at any time before the Council of the League of Nations in conformity with Article 4 of that Treaty.

In the same way as the Joint Note of the 30th August made the dates of the evacuation of the Rhineland depend upon the ratification and putting into operation of the Young Plan, so the five-Power Agreement expressly stipulated that its terms were 'mutually interdependent' with the arrangements relating to the acceptance in principle of the Young Plan. These arrangements were embodied in the final protocol of the First Hague Conference, signed on the 31st August, 1929, in which the approval in principle of the Young Plan by the Powers concerned was recorded and provision was made for the appointment of a number of expert committees to prepare detailed proposals on certain points for submission to the Conference at a second session, at which the Plan would be adopted formally.

The programme of evacuation laid down in the Joint Note of the 30th August was duly carried out, so far as the withdrawal of the British and Belgian troops and the evacuation of the second zone were concerned. The withdrawal of the British troops began on the 14th September and was completed on the 13th December. All the Belgian troops had left the Rhineland by the 30th November, on which date the last occupied post in the second zone was evacuated. The French troops in the second zone were transferred to the third zone, but a corresponding number of men were drafted back to France, so that the total force in the third zone was not increased.

[1] i.e. the articles providing for the permanent demilitarization of a zone in the Rhineland.

The offices of the Inter-Allied Rhineland High Commission at Coblenz were closed on the 17th November, and the head-quarters of the Commission were removed to Wiesbaden, in the third zone. The British and the Belgian Governments retained their representatives on the Commission after the withdrawal of their troops, thus formally continuing their participation in the occupation; but the staff of the Commission was greatly reduced.

At the time of the signature of the agreements of the 30th August, 1929, it was contemplated that the remaining formalities in connexion with the Young Plan would be completed during the next few months, and that the period over which the withdrawal of the French troops was to extend would begin to run before the end of the year 1929. The ratification and putting into force of the Young Plan, however, could not take place until after the second session of the Hague Conference had been held, and for various reasons this second session was postponed until January 1930. During the autumn of 1929 there was a good deal of discussion in France as to the correct interpretation of the passage in the Joint Note of the 30th August referring to the period within which evacuation was to begin and be completed;[1] and the relief with which the public in Germany had received the news that a date had been fixed for the termination of the occupation began to give way, as time went on, to the fear that the agreement reached at The Hague might not prevent the indefinite postponement of evacuation. This fear was not allayed by a reference to the question made by Monsieur Tardieu on the 9th November in the course of a debate in the Chamber on the policy of the Government which he had just formed. On the previous day Monsieur Briand, who had accepted the post of Foreign Minister in Monsieur Tardieu's Cabinet, had made a notable defence of his conduct of foreign affairs and of the agreement for the evacuation of the Rhineland to which he had put his hand at The Hague. In particular, he had answered allegations made by Monsieur Franklin-Bouillon on the 7th November to the effect that Germany had been constructing

[1] By this time, there seems to have been little real opposition in France to the principle of evacuating the Rhineland in advance of the treaty dates; but a few voices were raised to assert that the French troops ought to stay in Germany until the new system of fortifications on the eastern frontier had reached a stage at which it would afford protection. This new system of fortifications had been under discussion ever since the end of the War, but it was not until January 1929 that a final decision as to its exact nature was taken. In the budget for 1929 provision was made for beginning work under a programme which was expected to cost at least $2\frac{1}{2}$ to 3 milliard francs, and to extend over about five years. (For the nature of the works, see two articles in *Le Temps*, 5th and 8th November, 1929.)

roads and railways in the demilitarized zone which served no economic purpose and were intended for strategic uses. Monsieur Briand revealed the fact [1] that on the 4th August, 1929, an agreement had been reached between Germany and the Ambassadors' Conference by which Germany undertook to reduce the potential military value of certain railway works near the frontier and gave an assurance that, during the next twelve years, she would not extend her railway system in the direction of the frontier on a scale greater than was economically justifiable. Monsieur Tardieu, speaking on the 9th November, indicated that the policy followed by Monsieur Briand had his support, but when referring to the question of the evacuation of the Rhineland he pointed out that certain events had taken place [2] which were not anticipated when the agreements of the 30th August were concluded—he mentioned particularly the death of Herr Stresemann, which had occurred on the 3rd October, and the Ministerial crisis in France [3]—and he implied that, since the situation had changed, the time-limits laid down in the joint note of the 30th August were no longer applicable. Although Monsieur Tardieu went on to point out that 'as we have to evacuate . . . when the conditions are fulfilled, no one can have any interest in delaying matters', his speech appeared, on the whole, to confirm the interpretation given to the agreements of the 30th August in certain sections of the French press—namely, that the promise to complete the withdrawal of the troops from the third zone by the 30th June, 1930, had been purely conditional and intended as an inducement to Germany not to delay the ratification of the Young Plan.

[1] It had been intended that this agreement should be kept secret, but Monsieur Franklin-Bouillon's speech of the 7th November threatened to cause the fall of the new Tardieu Cabinet, and Monsieur Briand thereupon asked for and obtained the consent of the German Government to the publication of the terms of the agreement as the only way of proving that Monsieur Franklin-Bouillon's allegations were not justified. For the text of the notes exchanged on the 4th August, see *Le Temps*, 19th December, 1929.

[2] Monsieur Tardieu did not mention as a cause of delay the Nationalist campaign in Germany against the Young Plan and the attempt of Herr Hugenberg and his supporters to make use of the strong and general sentiment against the acknowledgement of 'War Guilt' in the Versailles Treaty in order to bring about the rejection of the Young Plan. The progress of the Nationalist campaign, however, was watched with close attention in France, and there was a tendency to justify the delay in summoning the Second Hague Conference and proceeding with the other measures necessary to bring the Young Plan into force on the ground that it was impossible to take further steps until the results of the Hugenberg Referendum were known.

[3] Monsieur Poincaré had resigned office at the end of July 1929, and Monsieur Briand had become President of the Council, but the Briand Cabinet had fallen on the 22nd October, and it was not until the 2nd November that a new Government was formed under Monsieur Tardieu.

There appeared, therefore, to be cause for anxiety in Germany lest delay in the coming into force of the Young Plan should be made the excuse for a prolongation of the occupation of the third zone beyond the date agreed upon at The Hague; but, in the event, these fears proved to have been groundless. The Bills embodying the Young Plan and the Hague Agreements passed their third reading in the Reichstag on the 12th March, 1930, and the principal agreements were signed by President von Hindenburg on the following day.[1] Germany's ratification was deposited in Paris on the 26th March. On the 29th March the Young Plan and the Hague Agreements were approved by the French Chamber of Deputies, and approval by the Senate followed on the 5th April. In the course of the next four weeks ratification was effected by Great Britain, Belgium, and Italy, and on the 9th May instruments of ratification were formally deposited at the Quai d'Orsay on behalf of these three countries and of France. During the following week certain remaining formalities were carried out, and on the 17th May the Reparation Commission was able to declare that all the conditions necessary to bring the Young Plan into force had been fulfilled and that the Plan took effect as from that date. On the same day the French Government announced in an official *communiqué* to the press that the evacuation of the Third Rhineland Zone would begin at once, and on the 19th May Monsieur Tardieu formally notified the German Ambassador in Paris, Herr von Hoesch, that orders had been issued for the withdrawal of the French troops, and that the evacuation would be completed by the 30th June in accordance with the agreement of the 30th August, 1929.[2] On the 20th May the French High Commissioner in the Rhineland notified the German Commissioner for the Occupied Territories that the process of evacuating the third zone was beginning on that day. The process was duly completed within the time-limit, and on the 30th June, 1930, the Allied occupation of German territory came to an end with the departure of the Inter-Allied Rhineland High Commission (which had held its last meeting on the 28th June) from Wiesbaden, and of the last French troops, together with the French General Staff, from Mainz.

[1] The instruments embodying the liquidation agreements with Poland, Great Britain, and other countries were not signed by the President until the 18th March.

[2] A definite assurance to this effect had already been given by Monsieur Briand to the German Foreign Minister, Herr Curtius, at Geneva on the 16th May.

(ii) The Re-opening and Re-settlement of the Tangier Question (1926–9).

It had been hoped that the inveterate question of Tangier would prove to have been settled definitively by the Convention regarding the Organization of the Statute of the Tangier Zone which had been signed by representatives of France, Spain, and Great Britain on the 18th December, 1923.[1] Yet almost before the ink was dry it became evident that this hope was to be disappointed. Spain, though she had signed and eventually ratified the convention, was avowedly dissatisfied with its terms; Italy was dissatisfied because she had not been invited to take part in the negotiations; the rate-payers of the Tangier Zone were dissatisfied because the new régime, for which they had waited so long, promised to be more costly without being less cumbersome than the old;[2] and the rivalry between the French and Spanish communities in the mixed population of the Zone, so far from being appeased, showed signs of growing more acute.[3] Any one of these factors, by itself, might not have been strong enough to prevail against the combined will of France, who was contented with the convention of 1923 because it gave her the most favourable political position in the Tangier Zone that she could hope to secure, and of Great Britain, who was contented because the convention fulfilled her negative desiderata that the Tangier Zone should be demilitarized, neutralized, and internationalized. In combination, however, the factors working for a reopening of the question proved stronger than those on the opposite side.

It has been mentioned already[4] that the new régime introduced *de facto* by the three parties to the convention of 1923 was not recognized by the other parties to the Algeciras Act of 1906 (except for the Central Powers, who had been compelled to sign away their rights in the peace treaties) and that these other parties included the United States, Russia, and above all Italy. It has also been mentioned that, on the Spanish side, the question had been reopened publicly by the Marquis de Estella—at Paris on the 13th July, 1926, and again at Madrid on the 14th August.[5]

[1] See the *Survey for 1925*, vol. i, pp. 169–71.
[2] *Op. cit.*, pp. 173–4.
[3] See *op. cit.*, p. 174; see also *The Times*, 25th, 27th, and 28th August, 1926, for the outbreak of a local Franco-Spanish controversy at Tangier at the moment when the Tangier Question was being reopened diplomatically by the Spanish Government in August 1926.
[4] See the *Survey for 1925*, vol. i, p. 172.
[5] See *op. cit.*, p. 163; and the *Survey for 1927*, p. 123.

The second of these declarations[1]—in which the Marquis de Estella definitively demanded the incorporation of the Tangier Zone in the Spanish Zone—caused some concern for two reasons: first, because this demand was made within a week of the Italo-Spanish treaty of amity;[2] and second because some of the concluding phrases[3] of the declaration suggested that Spain intended to make the continuance of her membership in the League of Nations, which had already been brought into question by the controversy over the composition of the League Council,[4] conditional also upon the satisfaction of her aspirations in regard to Tangier.

The Italian attitude towards Tangier, as indicated in the Italian press, had already led the French Government to make a public declaration of their opposition to any change in the existing status.[5] Before the Marquis de Estella's declaration of the 13th July, the Italian Government appear to have intimated unofficially to the British Government that they would be prepared to adhere to the new Tangier Statute on condition that Italy were given an equal footing with Great Britain, France, and Spain in the local administration of the Tangier Zone. Italy, however, refrained from presenting any official demands; and on the 19th August the Italian Under-Secretary for Foreign Affairs, Signor Grandi, declared that the Italian claim was based 'rather on moral than material grounds' and was chiefly a question of prestige.

On the 25th August the Spanish Government addressed a note[6] to all the signatories of the Algeciras Act in which they demanded that the Tangier Zone should either be incorporated in the Spanish Zone or else administered by Spain 'under a mandate'[7] (though apparently it was not intended by the Spanish Government that an account of such mandate should be rendered to the League of Nations).[8] It was also proposed in this note that the Spanish claim should be discussed

[1] For the substance of it see *The Times*, 16th August, 1926.

[2] See the *Survey for 1927, loc. cit.*

[3] If a remedy for Spain's grievance in regard to Tangier 'is not procured, Spain will have to live embittered and retired, mistrusting the justice of the haughty countries who do not value the efforts made by her to live and to collaborate in the world-work of progress and peace'.

[4] See the *Survey for 1926*, Part I A, Section (i).

[5] *Communiqué* quoted in the *Corriere della Sera*, 1st June, 1926.

[6] For its contents see a statement made by the Marquis de Estella at the end of the month (*Le Temps*, 1st September, 1926); see also *The Times*, 26th and 27th August, 1926.

[7] See a statement by Sir Austen Chamberlain in the House of Commons at Westminster on the 30th August, 1926.

[8] See an explanatory statement made by the Spanish Minister for Foreign Affairs on the 30th August, 1926 (*Le Temps*, 31st August, 1926).

in a conference at Geneva in which the interested Powers would be represented by their delegates to the forthcoming (seventh) session of the League Assembly.

The implication—already foreshadowed by the Marquis de Estella on the 14th August—was that Spain intended to include her claims regarding Tangier among the conditions for the continuance of her membership in the League; and when this was borne out by three successive statements on the part of the Spanish Minister for Foreign Affairs,[1] it was not well received. Even Signor Mussolini, whose Government answered the Spanish note on the 27th August by expressing themselves in favour of the Spanish proposal for an international conference, declared on the 30th that 'the question of Tangier' seemed 'to be completely separate from that of the claim of Spain to a permanent seat on the Council of the League of Nations'.[2] Sweden seems to have taken the same line as Italy. The French and British Governments, before sending their replies, appear to have conferred with one another. The British Government replied that they could not agree to the incorporation of the Tangier Zone in the Spanish Zone, but that they were ready to discuss with the French and Spanish Governments the conditions on which the accession of the Powers which had not yet accepted the Tangier Convention could be obtained, and that in the course of such discussion it would be open to the Spanish Government to put forward their views and wishes, with due regard to existing treaties and agreements. Further, Sir Austen Chamberlain declared in the House of Commons at Westminster, on the 30th August, that he did not think that Geneva would be the place for this discussion, though it was obvious that the discussions with the Powers which he had mentioned must be only preliminary to discussions with other Powers. The position thus taken up by Great Britain was presumably more gratifying to Italy than to Spain. The French reply appears to have been conceived in similar terms to the British and to have been presented simultaneously. Even the U.S.S.R., in its capacity as the heir of the Russian Empire, was reported to have entered a reservation against any Spanish claim which might involve a modification of the Algeciras Act.

In the event, the Spanish proposal for a conference on the Tangier Question at Geneva on the occasion of the Seventh Session of the League Assembly fell through, and Spain sent in her resignation from membership of the League without having received satisfaction on

[1] See *Le Temps*, 28th and 30th August, 1926. The most explicit of these statements was in answer to a question from *The Daily News* of London.

[2] *The Times*, 31st August, 1926. See also *The Times*, 27th August, 1926.

either of the two matters which she had at heart.[1] In fact, before the Seventh Session of the Assembly had come to an end, Spain had retreated from the position which she had taken up in the note of the 25th August and had made a fresh proposal which, in respect of procedure, was practically identical with the counter-proposals which she had received from Great Britain and France. Thereupon, after fresh consultations between the Governments of France, Great Britain, Spain, and Italy, the French Government invited the Spanish Government to enter into preliminary conversations *à deux* at Paris with a view to arriving first at some measure of agreement between the two Powers most closely concerned and then calling upon the British and Italian Governments to join in. This procedure appears to have been proposed by Sir Austen Chamberlain and to have been approved by Signor Mussolini.

The Franco-Spanish conversations were duly opened in Paris on the 9th February, 1927, but by that time the prospect of agreement had already dwindled to vanishing point. The French Government had proposed the conversations on the understanding that there was no question of a revision of the Tangier Statute or of any other changes which would necessitate the calling together of an international conference. On the other hand, as early as the 4th October, 1926, the Spanish Government had signified that their concession in regard to procedure implied no concession on the substance of the Spanish claim, by announcing that, if Spain did not receive satisfaction, 'she would not hesitate to face the problem in terms which would permit of a final solution';[2] and towards the end of January 1927 it was being hinted in the Spanish press that the ultimate sanction in the Spanish Government's mind was a withdrawal from the Spanish Zone, on the ground that the Spanish task in this Zone was made impossible to perform by the existing régime in the Tangier enclave. This threat was, of course, based on the calculation that a Spanish Zone under Spanish control had been, throughout, an indispensable factor in the Anglo-French understanding with regard to Morocco, so that if Spain ceased to play her allotted part the other two Powers would be placed in an embarrassing position. France would be confronted with the alternative of seeing the ex-Spanish Zone relapse into an anarchy which would endanger the security of her own Zone (as she had learnt from her experience in the years 1925–6),[3]

[1] For the Spanish claim relating to the composition of the League Council, see the *Survey for 1926*, Part I A, Section (i).

[2] *The Times*, 5th November, 1926.

[3] See the *Survey for 1925*, vol. i, Part II, Sections (vi)–(viii).

or else stepping into the breach at the risk of a collision with Great Britain, who had steadily refused to allow another Great Power to occupy those sectors of the Moroccan coast which commanded the Straits of Gibraltar. Under threat of resorting to this *ultima ratio*, the Spanish Government, on the 8th February, 1927 (that is, on the day before the conversations opened at Paris), allowed the local press at Tangier to publish the terms on which Spain would be prepared to accept a settlement of the Tangier Question should her request for the complete incorporation of the Tangier Zone in the Spanish Zone be refused. These terms were reported as follows:

(1) The suppression of the Committee of Control.

(2) The Mandūb in future to be appointed, not as at present directly by the Sultan of Morocco, but by his Khalīfah for the Spanish Zone, and for a period of ten years.

(3) The abolition of the post of Administrator and the substitution of a Spanish Controller of Sharifian Affairs.

(4) The reduction of the Legislative Assembly to the status of an international municipal council.

(5) The substitution for the Mixed Tribunals of Spanish law courts in which the judges would be assisted by representatives of the foreign Powers.

(6) The International Zone to be limited to the town area of Tangier.

(7) The Gendarmerie to be merged into the existing Spanish Regiment of Military Police.

(8) A complete reorganization of the Customs Services and the system of taxation.

In return for these changes the Spanish Government would undertake to preserve order and guarantee security, and would support the liberty of religion and education, would respect the principles of international equality, would keep the local lighthouses in order, and would be prepared to finance the requirements of Tangier.[1]

A comparison of this Spanish 'minimum programme' with the terms of the Statute of 1923[2] will show that there was really no common ground between the two bases on which the Spanish and the French Governments respectively insisted upon negotiating, and it was therefore almost a foregone conclusion that the Paris conversations would be fruitless. In fact, after being kept up intermittently for more than six months, they were officially suspended in August 1927, with the expression of a pious hope for their resumption in October.

October 1927 came and went without the Franco-Spanish conversations being resumed; but the month was signalized instead by a

[1] Dispatch from the correspondent of *The Times* at Tangier, published on the 9th February, 1927.

[2] See the *Survey for 1925*, vol. i, pp. 169–72.

personal meeting between the Marquis de Estella and Sir Austen Chamberlain at Palma on the Island of Majorca, and by the visit of an Italian naval squadron to Tangier.[1]

The conversations at Palma (30th September–1st October, 1927) were afterwards described by Sir Austen Chamberlain[2] as having been 'of the most friendly but also of the most informal character', while the Marquis de Estella announced—in the course of a long statement to a representative of a London newspaper[3]—that the subjects discussed must necessarily remain secret until the discussions had borne fruit; that the meeting had been prepared in advance and was of great importance for the relations between Spain and other countries; and that Sir Austen Chamberlain had proceeded to Palma as the accredited representative of the British Government in order to convey to the Marquis de Estella that he would be in a position to attempt the solution of several difficulties of the highest international importance which existed between Spain and her near neighbours—a proposal which the Marquis as yet had neither declined nor decided to accept, since it demanded mature consideration. In this connexion he remarked that 'England has few or no interests in North Africa, and I am more and more inclined to think that Spain would find herself in a better position if she had no interests there either, seeing that these North African interests are a source of continual embarrassment and expense for the Spanish Government'.

The visit of an Italian naval squadron, commanded by the Prince of Udine, to Tangier (27th–31st October, 1927) was officially interpreted, in a statement communicated at Tangier itself to the correspondent of *The Times*, as

> 'an *acte de présence* and a reminder, at the juncture when negotiations are about to be re-opened in Paris between the French and Spanish Governments on the subject of Tangier, that the Italian Government maintains its policy of non-recognition of the existing status, and will accept no settlement of that question that has been arrived at without its consultation and co-operation.[4]

This interpretation was evidently much nearer to the truth than the comparison, which proved irresistible to certain organs of the

[1] In September 1926, not long after the Spanish Government had made those fresh proposals which were the origin of the Franco-Spanish conversations of 1927, there had been a false alarm of an impending joint Italo-Spanish naval demonstration off Tangier.

[2] In a written reply to a parliamentary question (see *The Times*, 15th November, 1927). See also a previous statement by Sir Austen Chamberlain published in *The Manchester Guardian*, 8th October, 1927.

[3] *The Sunday Times*, quoted in *Le Temps*, 10th October, 1927.

[4] *The Times*, 29th October, 1927.

press, with the visit of the German gunboat *Panther* to Agadir in 1911. Nevertheless, the Franco-Spanish controversy over Tangier, though not serious in itself, gave ground for some concern inasmuch as it accentuated the tension between the French and Spanish Governments over graver matters elsewhere.[1] Accordingly, the somewhat unexpected announcement that a preliminary Franco-Spanish agreement regarding Tangier had at last been signed in Paris on the 3rd March, 1928, was welcomed in Italy and Great Britain; and on the 20th March, 1928, the second stage of the procedure which had been laid down in the preceding autumn was promptly opened by the assembly in Paris of a fresh Conference at which the British and Italian as well as the French and Spanish Governments were represented.

In this phase, the negotiations moved more smoothly and rapidly; for as early as the 5th April it was announced officially that the British, French, Italian, and Spanish experts had completed the elaboration of the provisions for the execution of the Franco-Spanish arrangements respecting Tangier and had reached a unanimous agreement; and that they had also taken a first reading of the desiderata formulated by the Italian Government in connexion with their accession to the Statute. When the Conference reassembled after Easter on the 26th April, it completed the second part of its task as expeditiously as it had performed the first. On the 24th May it was announced that the Conference had not only unanimously adopted the Franco-Spanish agreement of the 3rd March, but had arrived at a unanimous agreement regarding the Italian desiderata likewise. On the 17th July, an agreement, constituting the text of a new Tangier Statute, which had been prepared by the experts, was initialed, and on the 25th a final protocol, covering the instruments of which the agreement consisted, was formally signed. The ratifications were exchanged on the 14th September, 1928.

The final protocol covered an agreement revising the convention of the 18th December, 1923, relating to the organization of the Statute of the Tangier Zone;[2] an agreement revising certain articles of the Sharifian *dāhirs*, and their annexes, which had been attached to the convention of 1923, and also revising certain articles of the Penal Code of the Tangier Zone; and a series of special provisions. Two sets of notes, not covered by the protocol, were also exchanged, on the same date as that on which the protocol was signed, between

[1] See the *Survey for 1927*, Part II B, Section (iv).

[2] For this convention see the *Survey for 1925*, vol. i, pp. 169–71 (text in British Parliamentary Paper *Cmd.* 2203 of 1924).

the several representatives of Spain, Great Britain, and France, on the one side and the representative of Italy on the other, making six pairs of notes in all.[1] In brief, the main Spanish desiderata were met by two provisions: first that the gendarmerie in the Tangier Zone should be commanded by a Spanish officer with a French officer of lower rank as second in command; and secondly that there should be established at Tangier a mixed intelligence bureau, with a senior Spanish officer as head, a French subaltern officer as assistant, and a Spanish subaltern officer as third member, for the purpose of watching all matters affecting the security of Tangier in relation to that of the neighbouring Moroccan Zones and of foreign countries. These provisions were designed to remedy the Spanish Government's grievance that, under the existing régime, the Tangier Zone was a kind of Alsatia and, as such, was a standing menace to security and order in the Spanish Zone, in which the Tangier Zone was an enclave. The Italian desiderata were met by a number of amendments in detail, the effect of which was to give Italy a share in the administration of the Tangier Zone which was approximately equal to Great Britain's, while leaving a certain preponderance to France and Spain as the more closely interested Powers. In return, the Italian Government agreed that Italian nationals should be subject to the fiscal laws of the Zone and provisionally subject to the codes which had been drawn up in accordance with the convention of the 18th December, 1923,[2] as revised in the new agreement of the 25th July, 1928, pending a reconsideration of the revised codes by a committee of British, Spanish, French, and Italian jurists two years after their coming into force.

The new régime established by the agreements of the 25th July, 1928, came into existence on the 15th January, 1929. On that day, three Italian members took their seats in the Legislative Assembly and the Italian Consul-General became a member of the Committee of Control. During the next few days the Italian Government appointed two of their nationals to the posts of Assistant Administrator of the Tangier Zone and of Judge on the Mixed Tribunal; and the Spanish Government appointed a Spanish national to the command of the gendarmerie. The existing gendarmerie force was dissolved, and the reorganized force officially came into being on the 1st May, 1929.

The coming into force of the agreements of the 25th July, 1928,

[1] French as well as English texts of these documents are printed in the British Parliamentary Paper *Cmd.* 3216 of 1928.

[2] For these codes see the *Survey for 1925*, vol. i, p. 170.

removed two occasions of international friction—on the one hand between France and Spain, and on the other hand between France and Italy. Whereas the Tangier settlement of 1923 had been based on a consensus of only three Powers and had not prevented two of those Powers from subsequently relapsing into controversy over some of the matters on which they had professed agreement, the settlement of 1928 rested on the broader basis of a consensus of four Powers which all appeared to be more or less satisfied with the results of their experts' joint labours. Even so, however, the final protocol of 1928 could not be pronounced an unqualified diplomatic success unless and until it had been approved and adhered to by those signatories of the Algeciras Act (other than the four original signatories of the protocol itself) who might still be regarded, in that capacity, as being entitled to a voice in the destinies of Tangier. Of the Algeciras Powers, Germany and Austria-Hungary had been compelled to sign away their rights in Morocco in the peace treaties following the General War of 1914–18;[1] and the Government of the U.S.S.R. appear to have been regarded by the parties to the protocol of the 25th July, 1928, as not being the juridical successor of the Imperial Russian Government in this connexion, though there was nothing beyond an *argumentum ex silentio* to suggest that the Soviet Government themselves acquiesced in any such view of their position. There remained Belgium, the Netherlands, Portugal, Sweden, and the United States. By the 25th July, 1928, all of these—with the important exception of the United States—had already acceded to the convention of the 18th December, 1923; and in the first and third of the three instruments covered by the final protocol of the 25th July, 1928, provision was made for communication to the Powers which had acceded to the convention of 1923, and also for communication to the Government of the United States in their capacity as a signatory of the Algeciras Act. There was a presumption that the Powers which had adhered to the settlement of 1923 would adhere in turn to that of 1928, which involved no important changes of principle or practice so far as these Powers were concerned; and in fact the accessions of Belgium, the Netherlands, Portugal, and Sweden to the final protocol of the 25th July, 1928, were all notified in the course of the following twelve months. The United States, however, which had refrained from adhering to the settlement of 1923, had given notice to Great Britain, France, Spain, and Italy on the 16th March, 1928, that it made 'full reservation of its position' on any prospective decision by the then imminent four-Power Conference which might affect

[1] See the *Survey for 1925*, vol. i, p. 172.

American rights in Morocco and Tangier; and, up to the end of the year 1929, the Government at Washington had shown no intention of accepting the settlement of 1928.

Again, the new Tangier settlement was an attempt to express a diplomatic balance of forces between four European Powers in terms of practical arrangements for the administration of an enclave of territory in Morocco: and it could not be pronounced an administrative success unless it appeared that adjustments and elaborations of the local régime which had been introduced on account of international diplomatic considerations were not incompatible with local administrative efficiency. Already Tangier, which seemed marked out by geography and history to be the principal point of contact between Morocco and the outer World, had suffered from foreign diplomatic exigencies severely. First it had been cut off from its natural hinterland by the diplomatic division of Morocco into Zones;[1] then, in the settlement of 1923, it had been burdened with certain complicated and expensive administrative machinery which would scarcely have been imposed upon so small a community if local welfare had been the first consideration in the minds of the diplomatists by whom that settlement had been worked out; and now, under the new settlement of 1928, the desiderata of Spain and Italy were being met by making the administration of Tangier more top-heavy than ever.[2] It was true that the additional expenses arising from the new organization of the gendarmerie, and the entire expenses arising from the newly established mixed intelligence bureau, were to be borne by the French and Spanish Governments, but the salaries of the Italian officials who had been added to the Tangier hierarchy would presumably be a charge upon local revenues.

The anxieties on this score which were aroused in the minds of certain residents in Tangier were sharpened by a marked diminution in the customs receipts of the Tangier Zone during the first four months of the year 1928, as compared with the corresponding period of the preceding year—a diminution believed to be due to the diversion of imports destined for consumption in the Spanish Zone from Tangier, which had previously been the main port of entry, to ports situated in the Spanish Zone itself, such as Ceuta and Al-'Arā'ish. The convention of 1923 had provided (Art. 20) that the Tangier Customs were to take for their own account only the duties on imports which

[1] See the *Survey for 1925*, vol. i, Part II, Section (ii).

[2] On this point, see two pertinent and witty telegrams from the correspondent of *The Times* at Tangier, which were published on the 21st and the 24th September, 1928.

were destined to be consumed exclusively in the Tangier Zone—the duties on goods landed at the port of Tangier *en route* for the French and the Spanish Zones being payable into the respective revenues of those Zones. On the 26th July, 1926, the authorities of the Tangier Zone and the Spanish Zone agreed that the Tangier Zone should discharge this obligation, so far as the claims of the Spanish Zone were concerned, by paying over to the latter 25 per cent. of the total duties collected at Tangier. In May 1928, the Tangier Zone authorities denounced this agreement in view of the falling off of total receipts which has been mentioned above, and in August negotiations for a new agreement were initiated. It was now agreed that mixed customs posts, representing both Zones, should be installed at the gates of Tangier in order to ascertain the actual amount and value of the imports into the Spanish Zone via Tangier, and that the total customs duties levied at Tangier should be divided in proportion to the actual destinations of the imports, which would thus be established. A hitch arose, however, over the allocation of a special charge of $2\frac{1}{2}$ per cent. *ad valorem*, in addition to the customs duties, which was ear-marked for public works beneficial to navigation and commerce. The Tangier Zone maintained that the whole of the proceeds of this special charge which were collected in a particular port were the perquisite of that port for its own development, while the Spanish Zone maintained that the aggregate proceeds collected at all Moroccan ports were intended to be pooled and redistributed. Owing to this hitch, the Hispano-Tangerine customs agreement of 1926, which the Tangier Zone had denounced in May 1928, had to be prolonged for some weeks after it would have run out; but eventually it was agreed that this point should be provisionally reserved, and on these terms a new agreement was signed in November 1928.

While this agreement had been under negotiation the anxiety felt in certain circles in regard to Tangier's financial position had been growing more acute, and on the 31st January, 1929, the British Chamber of Commerce registered a formal protest against the abuses which had arisen as a result of the international régime and which were intensified rather than remedied by the new settlement. In a letter addressed to the British Consul-General, the Chamber of Commerce expressed the opinion that the financial burdens imposed by an excessive number of administrative and judicial officials were too heavy for Tangier to bear. They pointed out that one-third of the total revenue was spent on salaries, and they urged that the expenses of all superfluous appointments and other charges which were not strictly necessary for the upkeep of Tangier should be met by the

Powers concerned, on the principle which had been adopted in the case of the gendarmerie. The British Chamber of Commerce followed up this protest by suggesting, in a statement issued on the 8th February, that the task of deciding how many officials were actually required and what proportion of the cost of administration could justifiably be made a charge upon Tangier's revenues should be entrusted to a small international commission of experts. The French Chamber of Commerce refused to associate itself with the British Chamber's *démarche*, on the ground that it was likely to disturb the political tranquillity which had been restored to Tangier by the settlement of July 1928; but the Spanish and International Chambers of Commerce supported the British move. On the 20th February the International Chamber addressed a letter to the Mandūb in which it protested against the extravagance of the administration, the misapplication of revenues, and the neglect of the welfare of the population, and demanded an inquiry, followed by such reforms as might prove to be necessary.

These protests from Chambers of Commerce in Tangier appear to have had little or no effect;[1] and during the next few months a project was under consideration, the adoption of which, in the view of its supporters, would attack the problem from the other end: that is, by increasing the revenue instead of by reducing the cost of administration. This proposal was to the effect that an officially-controlled gambling establishment should be set up in the town, on the lines of the Casino at Monte Carlo, and that the Administration should take a share of the profits. Games of chance had been prohibited in Tangier by Article 52 of the 1923 convention, but it had been left open to the Committee of Control to withdraw the prohibition by a unanimous decision;[2] and the fate of the scheme for a casino therefore rested with the Committee of Control. The proposal seems to have been made to the Administration by certain local representative bodies early in 1929, and by the middle of March all the members of the Committee of Control, with a single exception, were reported to have been instructed by their Governments (who were doubtless influenced by the fear that they would be called upon for subsidies

[1] It was significant, however, that the Administration's programme of public works was rejected in the Legislative Assembly on the 6th February, 1929, on the ground that it was proposed to draw on reserve funds in order to build new tourist roads, in the interests of the European population, while no provision was made for improving the native and other poor quarters of the town.

[2] In point of fact no attempt to enforce the prohibition of gambling was made until 1929 (it was urged in excuse that the absence of Italy from the Administration had made it impossible to take effective action). On the 2nd May, 1929, however, all public gambling houses were closed.

unless Tangier's inadequate revenues could be supplemented in some way) to give their blessing to the project. The exception was provided by the Spanish representative, whose Government refused to consider any suggestion for the establishment of an officially-controlled casino, on the grounds that gambling was immoral; that to make Tangier dependent for its existence upon gambling would be incompatible with the objects for which its international status had been conferred and derogatory to the dignity of the Powers; and that the interests of the neighbouring Spanish Zone of Morocco might be adversely affected. Early in July 1929 a petition in favour of a casino, which was said to have originated among the French residents in Tangier, was being circulated for signature; but the Spanish Government stood firm, and it was impossible for the scheme to be adopted by the Committee of Control against the Spanish veto. At the time of writing no other solution for Tangier's troubles appears to have suggested itself to the Powers concerned.

PART III

TROPICAL AFRICA

(i) Introduction.

Owing to the lack of space for a wider treatment of the subject, the scope of this Part has been confined strictly to international affairs in the technical sense of the term. In dealing with Tropical Africa, however, this limitation is unsatisfactory, since in that region, during the period under review, few of the international movements of deeper import happened to fall within the technical definition.

Technically, the field of international affairs is limited to the relations between sovereign independent states, and most of the following sections are concerned with relations of this character: with questions of the delimitation of frontiers (between the two mandated territories of Ruanda-Urundi and Tanganyika; between the portions of the territories of the Cameroons and of Togoland mandated to France and to Great Britain; between the mandated territory of South-West Africa and the Portuguese colony of Angola; and between Angola and Rhodesia); questions of facilities desired by one state across the territory of another (facilities desired by Great Britain in Abyssinia for hydraulic works on Lake Tana and the Blue Nile; facilities desired by Italy in Abyssinia for linking the two Italian colonies of Eritrea and Somaliland with one another by a trans-Abyssinian railway; facilities desired by the South African Union in the Portuguese colony of Mozambique for an economic outlet for the Union at the Portuguese port of Lourenço Marques; facilities desired by the Belgian colony of the Congo in the Portuguese colony of Angola for an economic outlet for the Congo at the Portuguese Port of Lobito Bay); and finally, the question of sovereignty, which underlay the Abyssinian Government's protest against the Anglo-Italian agreement of 1925 (especially as regarded the 'exclusive Italian economic influence in the west of Abyssinia' which the British Government undertook, in a certain contingency, to recognize), and which also underlay the unwillingness of the Portuguese Government to assent to rectifications of frontier which involved even the slightest alienation of Portuguese colonial territory.

When the Tropical African affairs of these three kinds which are surveyed in the following sections are compared with the European and Islamic and Far Eastern and American affairs of the same kinds which have been surveyed in previous volumes, it will be seen that,

at this time, questions of frontiers, of facilities and of sovereignty, were considerably less important in Tropical Africa than they were in those other regions. The least unimportant, perhaps, were the questions of sovereignty involved in the status and situation of the Portuguese colonies and Abyssinia; yet even these questions, which opened up the possibility of a redistribution of colours on the political map, were not intrinsically of such significance for the future of Tropical Africa as the contemporary questions of federation between certain African territories: for example, between the South African Union and the mandated territory of South-West Africa; between the South African Union and the British colony of Southern Rhodesia (at that time governed under a parliamentary constitution by White settlers, who, like the White population of the Union, constituted a minority of the population); and between the British Crown Colonies of Northern Rhodesia, Nyasaland, and Kenya, the British Protectorate of Uganda, and the mandated territory of Tanganyika. Upon these great questions of federation the political future of Tropical Africa appeared, at this time, to depend. Yet, technically, these questions of federation were only partly international, and were mainly inter-Imperial affairs of the British Commonwealth of Nations (on the same juridical footing as inter-Imperial frontier questions like those concerning the Irish and the Labrador boundaries).

The only section in this part of the present volume in which the fundamental international question of Tropical Africa comes into view is the section dealing with the administration of the Mandate for South-West Africa, since the special status of South-West Africa as a mandated territory gave an international character, in the technical sense of the term, to affairs which, in most Tropical African territories as well as in the Union of South Africa, were technically the internal affairs of sovereign or fully self-governing states.

This fundamental international question of Tropical Africa was, of course, the problem created by the recent and sudden impact of Western civilization upon the frail primitive societies of the native African peoples. At the time, this question was rapidly eclipsing all others in Tropical Africa. It was even beginning to push into the background the national rivalries between the several varieties of *Homo Occidentalis* which had been competing for dominion in this region. In South Africa the Dutch and English, in South-West Africa the Dutch, English, and Germans were showing a tendency to compose their domestic quarrels in order to establish a solidarity of the dominant White minority over against the Black and Coloured majority of the local populations.

This contact of races and civilizations in Tropical Africa was not the least interesting among the major international affairs of the contemporary world. To the pioneers of Western civilization a great gulf appeared to be fixed between themselves and the native Africans into whose home-lands they had penetrated. All distance, however, is relative; and, on a rather longer perspective, a gulf which looked impassable to the European settler in South-West Africa or Kenya Colony might dwindle, in the sight of the historian, to dimensions not too great to be bridged by constructive statesmanship. After all, the civilization which the Western European brought with him to Tropical Africa was an inward spiritual grace with which the Westerner himself had only begun to be endued during the last twelve or thirteen centuries, and which had only made itself manifest in any race within the last six thousand years. And these six thousand years, within which a few societies belonging to the White, Brown, and Yellow Races had been making the first tentative and precarious essays in civilization, were as the twinkling of an eye in comparison with the hundreds of thousands, perhaps millions, of years during which all the Races of Mankind—White and Brown, Yellow and Black—exhausted, it may be, by the long struggle to rise from Beast to Man, had paused to recuperate on the common level of primitive humanity. Not more than six thousand years ago, certain human societies had at last struck their tents and started on a fresh advance from the common camping ground on which all Mankind had dwelt for so long together. There were other societies—among them, those constituted by the Black Race—which hitherto had made no move, and which had thus fallen several hundred or several thousand years behind their less sluggish fellow-creatures. Yet this degree of backwardness was no proof that the Black Race, or any other race, was inherently incapable of ever rising above the primitive human level. In view of the immense antiquity of the human race and the vast wave-length of its evolutionary rhythm, a retardation not of 6,000, but of 60,000 or 600,000 years would have been required in order to support the inference that, in the Black Race, the inherent capacity of Mankind for progress had been exhausted already. Thus the gulf which divided the Western European and the Tropical African in the early decades of the twentieth century after Christ was likely to prove not an impassable void (like that which separated Dives and Lazarus in this world and the other) but an unsteady interval (like that which alternately expands and dwindles between the runners in a race). In this race one athlete, coming full circle round the track with all his energies displayed in strenuous action, had collided violently with an athlete

who was still standing drowsily at the starting-post with the greater part of his energies untested and unknown. What effects would this strange impact produce?

Although, by the end of the first quarter of the twentieth century, the greater part of Tropical Africa had experienced the impact of Western civilization for less than fifty years, it was already possible to apprehend certain broad effects in a general way.

It was already evident on the one hand that the Black Race in Tropical Africa (unlike the Caribs in the West Indies, the North American Indians, the Tasmanians, the Polynesians, and other primitive societies whose homelands Western civilization had invaded in modern times) had not received a death-blow from the impact to which it had been subjected. It is true that, by the year 1926, 'the scarcity of native labour' was a perpetual complaint of the White Man in Tropical Africa, from the diamond fields of Luderitz Bay to the coffee plantations on the slopes of Mount Kenya, and from the Rand to the cocoa plantations of San Thomé and Principe and the rubber plantations of the Belgian Congo. This labour shortage, however, was evidence of the revolutionary rapidity with which the White Man was opening up Tropical Africa economically rather than of any general decline in the fecundity of the Black Race. No doubt, in certain tropical African colonies—notably in the Belgian Congo—the native population had perceptibly decreased in absolute numbers since the advent of the White Man. Even in these territories, however, the small White minority would evidently have decreased in numbers much faster if it had not been perpetually reinforced by fresh settlers or by temporary sojourners from overseas. Moreover, on the whole, the Black Race in Tropical Africa appeared to be increasing in numbers; and in the Union of South Africa—a country with a climate in which the White element in the population could make itself permanently at home—the exact statistics afforded by official censuses showed that the absolute increase in the numbers of the Black population was considerable, though the White population was increasing at a higher rate in spite of the fact that it had practically ceased to be reinforced by immigration.[1]

[1] The last full Union Census was taken in 1921; the figures were then as follows:

White	1,519,488
Black	4,699,648

as against the following figures for 1911:

White	1,276,242
Black	4,019,006

(*South African Year Book*, 1927). It will be seen that, during the decade 1911–

On the other hand, it was equally evident that, while the Black Race, on its own ground, was more than holding its own, in the biological sense, against the intrusive White Race, the frail primitive social heritage of the Black Race was being scattered to the winds by the impact of Western civilization—and this not only in a 'White Man's country' like South Africa, but in the wider regions where the climate condemned the White Man to be perpetually a pilgrim and a sojourner. Stripped by this Western whirlwind of his own poor clouts, the Black Man was standing, naked and momentarily abashed, before the face of the masterful intruder. Wherewithal was he to be clothed? The fundamental international question of Tropical Africa at this time was that of the place which the Black Race was to take in a world-wide society, embracing all Mankind, which the economic expansion of the Western peoples was visibly bringing into being.

Was the Black Man in Tropical Africa to become the White Man's hewer of wood and drawer of water? That was already a clear-cut and contentious issue among the White Men themselves—an issue on which certain White mine-owners and farmers in South Africa and certain white planters in Central Africa were ranged on one side against enlightened European administrators and missionaries in the non-self-governing colonies and mandated territories, liberal-minded statesmen and publicists in London and Paris and Brussels, and the tactful but conscientious and courageous body of distinguished experts who constituted the Permanent Mandates Commission of the League of Nations.[1] The native Africans themselves, whose fate hung upon the decision of this spiritual battle among the masters of the world, were for the most part passive spectators—and hardly even spectators, since few of those native Africans whose lives were being affected by the impact of the West were aware that their social destinies were at stake. Already, however, there was a conscious and combative minority. In the Senegal, there were returned soldiers who had seen the weakness as well as the strength of Europe with their own eyes on the battlefields of France and in the garrisons of the Rhineland. In Abyssinia the Lion of Judah had learnt to fight his European fellow-Christians with their own weapons and had won at least two notable victories over European Powers—in 1896 with the rifle and in 1926 with the pen. In the Central African hinterlands of

21, the increase in the Black population had been 680,642 in absolute figures, or just under 17 per cent., and the increase in the White population 243,246 in absolute figures, or just over 19 per cent.

[1] See the *Minutes* of the Sixth Session of the Permanent Mandates Commission, pp. 47–50, for a general discussion on native labour and the development of mandated territories.

the Sahara and the Indian Ocean one shepherdless native people after another had welcomed the Muslim missionary's invitation to cover their painful nakedness with the hem of the robe of Islam, and had felt the exhilaration of being initiated into a mighty fraternity in whose sight the momentary masters of the world were still infidels sitting in outer darkness. In South Africa a longer contact with the European settler and a closer acquaintance with the religion which he professed had inspired the apostles of the Ethiopian Church with the vision of a prophet whose coming into the world had put down the mighty from their seat and had exalted the humble and meek, while native labour leaders had been learning how to use with effect the worldly weapon of trade-unionism. In the United States the twelve million coloured citizens of the Republic were beginning to produce from their ranks a school of thinkers and organizers who aspired to be the champions of their race on both sides of the Atlantic.

Thus the lists were set, but the great international question of Tropical Africa was not yet doomed to be settled through ordeal by battle. Happily, there were also peaceful and constructive forces at work which might transform the whole situation before the men of violence had their way. There was the force of Western education, which might assist the African to recover command of his own destinies by enlarging his mental horizon and bringing out his latent capacity for mechanical technique. Above all, there was the leaven of creative idealism in the soul of the White Man himself—a leaven which was nothing else than the spirit of that very civilization which had given him his tremendous power over the Black Man for good or evil. In the White Man's conscience this spirit unceasingly bore witness to the truth that his relation to the Black Man in Tropical Africa was not that of a master licensed to impose task-work for his private profit nor merely that of a ruler commissioned to enforce discipline for the common good, but that of a trustee.[1]

It has been mentioned already that this conception of his mission in Tropical Africa was not being accepted by the White Man without a spiritual struggle; and at this time it still seemed likely that the struggle would be arduous and that the issue would long hang in doubt. The same pioneer of Western civilization who liked to speak with pride of 'the White Man's burden' was often impatient of criticism or restraint from his peers in Europe, and was sometimes

[1] 'In the administration of Kenya, His Majesty's Government regard themselves as exercising a trust on behalf of the African population, and they are unable to delegate or share this trust, the object of which may be defined as the protection and advancement of the native races.'—*Memorandum on Indians in Kenya* (British Parliamentary Paper *Cmd.* 1922 of 1923), p. 9.

inclined to exclaim in petulant expostulation: 'Am I my brother's keeper?' Nevertheless, in the administration of certain Tropical African territories by certain European Powers, the conception of trusteeship seemed to have taken firm root. The local applications of the principle differed, of course, in accordance with the temperament and traditions of the particular Western nation in authority. The ideal of the best French administrators was to make it possible for any individual African, who gave proof of capacity, to participate in Western culture to the fullest extent of his powers. Generously free, as she was, from prejudices of race and religion, France was willing to open her doors wide to every stranger, whatever the colour of his skin, who was able, in the spiritual sense, to stand on French ground. This French ideal might be described, almost in the phrase of Cecil Rhodes, as that of 'equal rights for all civilized men'. The best among the contemporary British administrators in Tropical Africa (particularly, perhaps, in Nigeria) were seeking, meanwhile, to apply the principle of trusteeship in a different way. Fearful of disorienting the African to any greater degree than was inevitable, they rather shrank from encouraging the individual to attempt, within the span of a single life, the spiritual migration from the cultural environment of primitive Mankind to that of the Western World in the twentieth century. The British ideal of trusteeship was to preserve or restore the frail structure of native African society, and to assist the African, within the re-consolidated framework of that society, to enrich his own heritage by incorporating in it gradually anything of value in Western civilization which could be incorporated without danger of destroying the continuity of African life with the past and its unity as a whole. It was doubtless an advantage for Tropical Africa that these different experiments in the application of the same principle of trusteeship should be tried simultaneously. Through such variety of experiment the methods best adapted to the situation were likely to be discovered with greater certainty and with less delay. The one thing needful was that, in some form or other, the ideal of trusteeship should prevail.

(ii) Abyssinia, Great Britain, and Italy (1925–9).

In the year 1925 Abyssinia (officially styled 'The Empire of Ethiopia') was the only indigenous state on the continent of Africa that still retained its independence both *de facto* and *de jure*.[1]

[1] In that year the Moroccan Rīf was independent *de facto* but not *de jure* (see the *Survey for 1925*, vol. i, Part II, Sections v–viii), and Egypt *de jure* (with certain far-reaching reservations) but not *de facto* (*op. cit.*, Part III,

'Throughout their history', the Regent of the Empire, Ras Taffari Makonnen, declared in his circular note[1] of the 19th June, 1926, addressed to the States Members of the League of Nations, '[the people of Abyssinia] have seldom met with foreigners who did not desire to possess themselves of Abyssinian territory and to destroy their independence. With God's help, and thanks to the courage of our soldiers, we have always, come what might, stood proud and free upon our native mountains.'

This long-cherished freedom of the Abyssinian mountaineers had impressed the three characteristics of singularity, romance, and turbulence upon Abyssinian history.[2] Descended from Asiatic immigrants who had crossed the Straits of Bābu'l-Mandab from the opposite highlands of the Yaman at some date before the Christian Era, the ruling peoples of Abyssinia in the twentieth century after Christ had not only preserved a Semitic classical language, but were still speaking Semitic vernaculars, after having been surrounded for more than two thousand years by negro peoples on the west and Hamitic-speaking peoples on the east and south. Converted to Christianity in the fourth century after Christ, and led, by geographical proximity, to give their allegiance to the Monophysite faction of the disintegrating Church, which prevailed in Egypt and Nubia, the Abyssinians, alone among the early Christian peoples of Africa,[3] had held out against the tide of Islam, which broke in repeated waves against the escarpment of their highland citadel without ever permanently submerging it. Yet, unconquered by the Muslims in war, the Abyssinians enjoyed the honourable distinction of having given asylum, as fellow monotheists, to the first followers of the Prophet Muhammad during the years of Meccan persecution before the Hijrah. Having been cut off by Islam from Western Christendom

Section (i)), while the Union of South Africa (a self-governing country which was a member, in its own right, of the League of Nations) enjoyed the peculiar status of a Dominion (in the technical sense) of the British Commonwealth (see *The Conduct of British Empire Foreign Relations since the Peace Settlement*). As for Liberia, it might be regarded as virtually a protectorate of the United States. Neither the Union of South Africa nor Liberia was indigenous in the strict sense, since the dominant elements in both countries were descended from immigrants into Africa from overseas.

[1] Text in British Parliamentary Paper *Cmd.* 2792 of 1927, p. 7.

[2] See Peace Handbooks, No. 129: *Abyssinia* (Foreign Office, 1920).

[3] In Nubia, Christianity was submerged in the fourteenth century; in Egypt, the adherents of the Monophysite Church, who at the time of the original Islamic conquest had constituted the overwhelming majority of the population, had gradually dwindled into the socially important but numerically small Coptic minority of the twentieth century. In North-West Africa the Latin Christianity of St. Augustine of Madaura had disappeared without leaving a trace.

for nearly 900 years,[1] the Christian Empire of Ethiopia had been saved in 1541 from the last and most dangerous onslaught of its Muslim neighbours in Somaliland, this time reinforced by Osmanli matchlockmen, through the unexpected arrival of 400 Portuguese; but the Portuguese had only rescued Abyssinia from the Muslims in order to press upon their protégés the spiritual supremacy of the Pope and the temporal dominion of the King of Portugal. The Abyssinians then made—and took to heart—the painful discovery that the desire to take possession of Abyssinian territory and to destroy their independence was as strong among their European co-religionists as it was among their Asiatic and African neighbours of the rival faith. In 1633 they took the same remedy against the Portuguese empire-builders and the Catholic missionaries as was taken in 1638 by the Japanese.[2] They expelled them by force from their country, and thereafter Abyssinia once more became a land untrodden by the Franks (save for one or two intrepid travellers like Poncet[3] and Bruce[4]) until the middle of the nineteenth century. Even then the handful of Frankish residents was placed by the Emperor Theodore under a duress which eventually provoked the British military expedition of 1868—a forcible entry which brought the period of isolation to an end, and may be compared in its effect with the bombardment of the Shimonoseki forts by an international squadron in 1863.

In the last quarter of the nineteenth century it seemed as though the days of Abyssinia's ancient independence were numbered. In the partition of Africa this share of the feast[5] was left to Italy—a late-comer with a good appetite. In 1889 the Abyssinian Government was induced to sign a treaty recognizing an Italian protectorate; but the apparently irresistible military superiority which was conferred on the Italians by their inheritance of the modern Western art of war was more than counteracted by the facility with which the warlike Abyssinians acquired skill in the use of modern Western weapons. The importation of arms into Abyssinia was assured by the enter-

[1] From the original Islamic conquest of Egypt in A.D. 639 to the arrival of the first Portuguese mission in 1490. Representatives of the Abyssinian Church did, however, attend the Council of Florence in 1439.

[2] For the relations between the Abyssinians and the Portuguese in the sixteenth and seventeenth centuries, see Hiob Ludolf (the Elder): *Historia Ethiopica* (Frankfurt a/M., 1681, 3 vols.); Jerome Lobo: *Voyage to Abyssinia* (London, 1735, Bettesworth); C. F. Rey: *The Romance of the Portuguese in Abyssinia* (London, 1929, Witherby).

[3] Ch. J. Poncet: *Relation Abrégée* (Paris, 1713, Barbou).

[4] James Bruce: *Travels to Discover the Source of the Nile* (1768–73).

[5] 'The owl took the dish as his share of the feast.'—Edward Lear.

prise of Western traders and the rivalries of Western Governments; and the independence of Abyssinia was re-affirmed in the Italo-Abyssinian Treaty of the 26th October, 1896, which followed the Battle of Adowa.

In consequence, when the partition of Africa was completed in the opening years of the twentieth century, the Empire of Ethiopia remained on the political map as a sovereign independent state. It was true that Abyssinia was now cut off from the sea, on which she had formerly possessed an outlet in the neighbourhood of Annesley Bay and Masāwah, where the northern extremity of the Abyssinian tableland approached nearest to the Red Sea coast.[1] Abyssinia now was not only landlocked but was entirely surrounded by territories under the control of European Powers—on the east, by the Italian Colony of Eritrea and by French, British, and Italian Somaliland; on the west by the Sudan, under an Anglo-Egyptian condominium;[2] and on the south by the British protectorate of Uganda and by British East Africa (afterwards known as Kenya Colony). On the other hand, only a small fraction of the Abyssinian nation, north of the River Takazze (which had been fixed as the frontier between Abyssinia and Eritrea in the Italo-Abyssinian treaty of the 10th July, 1900), had fallen under foreign rule; whereas the Ethiopian Empire, by a series of international treaties with the neighbouring European colonial Powers, had acquired recognition of title to wide territories inhabited by Muslim and pagan peoples of Galla, Somali, and negro race. The partitioners of Africa could afford to be generous towards an African state which had won their respect by its prowess in arms, when it was a question of drawing imaginary lines through territories which, at the time, were far beyond their range and, indeed, were virtually unexplored. In course of time, however, the new political map produced unfortunate effects, in large measure owing to the fact that the import of arms into Abyssinia did not come to an end upon the conclusion of the Italo-Abyssinian peace treaty of 1896.

This baneful traffic aggravated rather than facilitated the Ethiopian Central Government's task of maintaining internal law and order (since arms imported by the Central Government did not always remain exclusively in the Government's hands), and it thus threatened to bring about the destruction of that very independence which it had perhaps been instrumental in saving in 1896. The ill-controlled

[1] This former sea-board of Abyssinia had been held by Egypt from 1865 to 1884, and it was as the successor of Egypt that Italy occupied the Eritrean coast (with British approval) in 1885.

[2] See the *Survey for 1925*, vol. i, Part III, Section (ii).

distribution of modern Western weapons was inimical to the precarious equilibrium of the Empire which had been re-established by the ability of Menelik of Shoa, the victor of Adowa, and this at a time when the triumph of anarchy in the last independent state on the Continent might give neighbouring colonial Powers a pretext for ridding the map of a political anomaly. Moreover, the acquisition of modern Western weapons enabled not only the Central Government of the Empire but a number of irresponsible feudal chiefs and military adventurers to dispatch war-bands into the new Abyssinian territories—not in order to introduce an effective administration (which the Abyssinians had not yet succeeded in doing in their own homelands), but in order to plunder the country and to carry off the defenceless inhabitants to be sold into slavery. During the first quarter of the twentieth century these Abyssinian slave-raids—conducted against their own unoffending fellow-subjects by members of the only indigenous Christian nation in Africa, and this with arms supplied to them by their European co-religionists—became an international scandal; and this scandal also became a threat to international peace, for the European colonial Powers were gradually extending their effective occupation up to the frontiers established by treaty, while the Abyssinian slave-raiders, having depopulated the territories assigned to Abyssinia within those lines, were beginning to extend their operations further afield. The result was a series of collisions between Abyssinian raiders and the frontier police of neighbouring administrations—particularly along the Sudanese-Abyssinian and the Kenyan-Abyssinian borders. Thus the Abyssinians not unjustly acquired the reputation of being bad neighbours as well as sinners against civilization in the matter of the slave-trade.

Had the Empire of Ethiopia happened to be situated on those highlands, on the opposite side of the Red Sea, from which the ancestors of the Abyssinians had originally come, these irregularities might have been overlooked by the neighbouring colonial Powers, as the British Government, for instance, long overlooked the high-handed behaviour of the Imām of Sanʿā when he occupied Dālaʿ.[1] Abyssinia, however, though she had not yet lost her independence, had ceased (unlike the Yaman) to enjoy that geographical isolation which had been the mainstay of her independence for so many centuries. Her frontiers now not only marched with those of European colonial Powers at every point, but her territory contained assets upon which two, at least, of those Powers set considerable value. In

[1] See the *Survey for 1925*, vol. i, p. 321; the *Survey for 1928*, Part III B, Section (iv).

the first place, the cancellation of the Italian protectorate over Abyssinia in 1896 had left the Italian colonies of Eritrea and Somaliland (originally intended to be the two maritime outlets of a single compact colonial domain) as two unprofitable fragments of coastline, isolated from one another and both deprived of their natural hinterland. It was almost inevitable that the Italians should cherish the ambition of turning these forlorn colonies into more profitable concerns (and perhaps incidentally wiping out the still uneffaced humiliation of Adowa) by eventually establishing some kind of economic, if not political, continuity between the two colonies across their common Abyssinian hinterland. The other coveted asset which Abyssinia contained was the water-supply of the Blue Nile, with its natural reservoir in Lake Tana—a water-supply which became of practical economic value for irrigation, perhaps for the first time in history, during the first quarter of the twentieth century, in consequence of the economic opening-up of the Sudan under the Anglo-Egyptian condominium.

The question of the Nile waters has been dealt with in previous volumes of this series.[1] As an economic question, it was almost exclusively the concern of Egypt and the Sudan, since it was only in Egyptian and Sudanese territory that the hydrography of the Nile Basin permitted the utilization of the waters for irrigation on any considerable scale. At the same time, the expansion of the area under irrigation in both these countries, and the sensitiveness of the Egyptians to the possibility that Egypt might fail to secure the annual volume of water which she would ultimately require, gave the British Government, as the representative and trustee, in this matter, of both Egypt and the Sudan, a motive for exploring ways and means of conserving the Nile waters even in their uppermost reaches; and this technical problem introduced a new political element into the situation, since the principal sources of the Nile rose outside not only the Egyptian but the Sudanese frontiers—the White Nile (whose waters were allocated in principle to Egypt) in the British protectorate of Uganda, and the Blue Nile (whose waters were allocated in principle to the Sudan) in the independent state of Abyssinia.

In a previous volume referred to above, mention has been made[2] of Lord Cromer's early warning against embarking upon conservancy works, for the benefit of the Sudan, in Abyssinian territory, on the ground that any resultant technical advantages were likely to be

[1] *Survey for 1925*, vol. i, Part III, Section (iii); *Survey for 1928*, Part III B, Section (i).

[2] *Survey for 1925*, vol. i, p. 267.

more than offset by political complications; and on the 2nd August, 1926, in the House of Commons at Westminster, this warning was reiterated by an expert of such experience and authority as Sir Murdoch MacDonald.[1] The occasion of Lord Cromer's warning was a favourable report[2] on the possibilities of utilizing Lake Tana as a reservoir, which had been submitted by Mr. C. E. Dupuis, an engineer who had been sent by the Egyptian Government in the autumn of 1902 to study on the spot the possibility of constructing a Lake Tana barrage.[3] The consent of the Abyssinian Government had been obtained before Mr. Dupuis was dispatched to Lake Tana, and 'in notes exchanged between the British Minister in Addis Ababa and the Abyssinian Government on the 18th March, 1902, the Emperor Menelik confirmed an oral undertaking, given some days previously, "'that there is to be no interference with the waters of the Blue Nile and Lake Tana except in consultation with His Britannic Majesty's Government and the Government of the Sudan; that in the case of any such interference, all other conditions being equal, preference will be given to the proposals of His Britannic Majesty's Government and the Government of the Sudan; and that His Majesty the Emperor Menelik has no intention of giving any concession with regard to the Blue Nile and Lake Tana except to His Britannic Majesty's Government and the Government of the Sudan or one of their subjects."'[4]

The value of these assets in Abyssinian territory was evidently of sufficient importance in the eyes of Great Britain and Italy to make it advisable for Abyssinia, as she valued her independence, to be scrupulously 'correct' in her relations with these two, at least, of her neighbours. The Abyssinian Government, however, either failed to discern this plain truth or else lacked the power to act upon it, and allowed the slave-raids conducted by Abyssinian subjects, and the frontier incidents in which these raids not infrequently culminated, to give perpetual occasion for possible enemies of Abyssinian independence to blaspheme; but the independence of Abyssinia, which had been first preserved and then jeopardized by the European arms

[1] 'It was quite possible that these negotiations [the Anglo-Italian negotiations of 1925] might result in too dear a purchase, apart altogether from the question of its desirability . . . These waters were not so great a factor in the Nile problem that they alone should be made a necessity for the Sudan.'

[2] The text is printed as an appendix to the *Report by Sir William Garstin on the Basin of the Upper Nile* (published as the British Blue Book, *Egypt No. 2* of 1904 [*Cmd.* 2165]).

[3] *Survey for 1925*, vol. i, *loc. cit.*

[4] Quoted from the British Government's note of the 3rd August, 1926, to the Secretary-General of the League of Nations (text in British Parliamentary Paper, *Cmd.* 2792 of 1927).

traffic, was now shielded by another European institution: the Balance of Power.

To begin with, it was not easy for Great Britain and Italy to agree upon a demarcation of their respective interests in Abyssinia, since the ascendency of either in the Tana district was unpalatable to the other. Great Britain was anxious not to see the head-waters of the Blue Nile fall within the sphere of influence of another European Power, while Italy, equally, was anxious that another European Power should not establish its influence across the prospective line of communications between Eritrea and Italian Somaliland. Moreover, Great Britain and Italy, even if they could contrive to agree with one another, would still have to reckon with France, whose interests in Abyssinia were of a different kind from theirs and were opposed to both their interests alike. In the partition of this portion of Africa, France had obtained a share—the enclave of territory, known as French Somaliland, round the port of Djibouti—which was insignificant in area and productivity but which was ideally situated as an entrepôt for trade, both legitimate and illegitimate, with the hinterlands of the Indian Ocean. The staple of Djibouti's commercial prosperity was credibly reported to be the arms traffic, which, from this base, was apparently carried on as far afield as the Persian Gulf, *en route* for Afghanistan and the North-West Frontier of India. The immediate hinterland of Djibouti, however, was the Empire of Ethiopia, and Ethiopia offered, in particular, a steady and lucrative market for arms. In Italy it was sometimes alleged, as has been noted already, that arms imported into Abyssinia from this quarter had decided the day at Adowa on the 1st March, 1896. It is at any rate safe to assert that the vindication of Abyssinian independence in that battle was not unwelcome to France, and that, after this independence had been formally recognized in the Italo-Abyssinian treaty of the 26th October, 1896, the preservation of it became one of the permanent objects of French policy.

This policy was both rational and legitimate, for the preservation of Abyssinian independence not only prevented the local Balance of Power from being altered in Great Britain's or Italy's favour and therefore to France's disadvantage; it also gave France a better opportunity than was open to either of her neighbours for securing the lion's share of the Abyssinian market. Abyssinia, though she had saved her independence, had lost her former direct access to the sea in the north, where the Red Sea coast had eventually been occupied by the Italian colony of Eritrea. Landlocked as she now was, Abyssinia was left with the choice of seeking an indirect access to the

sea across the territory of one or other of her new neighbours. She not unnaturally turned her attention away from the old outlet, which still remained in the hands of her late enemy, Italy, towards the outlet offered at Djibouti by France, whom she had reason to regard as her friend; and this political motive for turning from Masāwah to Djibouti was reinforced by the fact that, owing to the rise of Menelik (*regnabat* 1889–1913), the hegemony in the Ethiopian Empire had passed from the northern province of Tigré, the patrimony of King John (*regnabat* 1872–89), to the southern province of Shoa, for which Djibouti was the more natural outlet. In 1894 Menelik granted to a French company a concession for building and operating a railway from Djibouti to his new capital of Addis Ababa. The construction of this railway was completed in 1918.

This local conflict of interests between France, Italy, and Great Britain, which was almost wholly favourable to Abyssinia, was to a corresponding degree dangerous to those three Powers themselves; and, in order to forestall the danger that friction over what was, after all, a minor concern for all three parties, might have an untoward effect upon their general relations, the British, French, and Italian Governments signed, on the 13th December, 1906, a tripartite treaty (Abyssinia herself not being invited to participate in the negotiations) in which they sought to regulate their respective interests in Abyssinia by agreement. In this instrument[1] the signatories agreed to co-operate in maintaining 'the political and territorial *status quo* in Ethiopia' (Art. 1); they put on record, and mutually accorded recognition to, certain diplomatic agreements which they had made respectively, at earlier dates, with the Ethiopian Government or with each other (Art. 1); and they agreed (Art. 4) to take concerted action in order to safeguard several special interests, to wit:

> (1) The interests of Great Britain and Egypt in the Nile basin, more especially as regards the regulation of the waters of that river and its tributaries (due consideration being paid to local interests), without prejudice to Italian interests mentioned in paragraph (*b*).
>
> (*b*) The interests of Italy in Ethiopia as regards Eritrea and Somaliland (including the Benadir), more especially with reference to the hinterland of her possessions and the territorial connexion between them to the west of Addis Ababa.
>
> (*c*) The interests of France in Ethiopia as regards the French protectorate on the Somali Coast, the hinterland of this protectorate, and the zone necessary for the construction and working of the railway from Djibouti to Addis Ababa.

It was also agreed (Arts. 5 to 9) that the Djibouti-Addis Ababa

[1] For the text see *British and Foreign State Papers*, 1905–6, p. 252; Hertslet: *Map of Africa by Treaty*, 3rd ed., vol. ii, pp. 436–44.

Railway, which at the time of the agreement had reached Dire Daoua, should be completed by a French company, but that Great Britain and Italy should have the right of co-operating in its administration, and reciprocally that France should be represented in the administration of any railways subsequently constructed by British or Italian companies, the area west of Addis Ababa being reserved for British exploitation, though the construction by Italy of a railway connecting Benadir and Eritrea and running through Abyssinia to the west of Addis Ababa was also contemplated. The British Government also reserved the right to make use of the authorization to construct a railway connecting British Somaliland with the Sudanese frontier, which had already been granted by the Emperor Menelik on the 28th August, 1904. Nationals of the three countries were to enjoy equal rights of commerce and transit on all railways, as well as in the port of Djibouti and in the English or Italian ports which might be the starting-points of future railways.

The conclusion of this agreement concerning Abyssinia, without the participation of Abyssinia herself, was hardly calculated to promote the maintenance of 'the political and territorial *status quo* in Ethiopia' for which the contracting parties professed a common solicitude. Indeed, when this instrument is read in the light of the Franco-British and Franco-Spanish agreements of 1904 concerning Morocco,[1] it is not paradoxical to regard this article as ominous of the destruction rather than the preservation of Abyssinian independence.[2] In Abyssinia, however, the drama moved with a slower rhythm than in Morocco. There was no *dénouement* before the outbreak of the General War of 1914; and, so long as the War lasted, the friendship of Abyssinia, as a neutral country, was courted by all the belligerents, so that the internal convulsions which were brought on by the sensational conversion to Islam of the youthful reigning emperor, Lijj Yasu, in 1916, passed off with an impunity from outside interference which Abyssinia would hardly have enjoyed if she had indulged in these disorders at any other moment. The restoration of peace in Europe put an end to this respite; and the serious consideration which was given, during and after the European peace settlement, to the general problems of the arms traffic and the slave trade[3] made the

[1] See the *Survey for 1925*, vol. i, Part II, Section (ii).

[2] On this point, see the observations of Captain Wedgwood Benn in the House of Commons at Westminster on the 2nd August, 1926.

[3] For the attempt to regulate the arms traffic in the St. Germain Convention of the 10th September, 1919, see the *Survey for 1920–3*, Part V, Section (i). The action taken by the League of Nations for the suppression of the slave trade has been touched upon in the *Survey for 1925*, vol. ii, pp. 150–2.

international position of Abyssinia, whose record in these matters would not bear strict examination, extremely delicate. Evidently the Abyssinian Government feared that advantage might be taken of this opportunity to carry out any designs against Abyssinian independence which might be entertained by one or other of the interested Powers; and in 1923, in order to forestall this possible danger, Abyssinia somewhat abruptly applied for admission to membership in the League of Nations. The history of her application has been recorded in a previous volume of this series.[1] The application was made with the support, and possibly at the suggestion, of France, and it apparently encountered some opposition on the part of Great Britain and Italy.[2] On the 28th September, 1923, however, after the usual procedure, the application was accepted and Abyssinia was duly admitted to membership—a status which stood Abyssinia in good stead when the question of British and Italian interests in Abyssinian territory afterwards assumed a practical form.

In regard to the conservation in Abyssinian territory of the waters of the Blue Nile—in which the special interest of Great Britain (as representing the Sudan and Egypt) had been recognized in the Anglo-Abyssinian agreement of 1902 as well as in the tripartite agreement of 1906—negotiations were begun by Lord Kitchener 'about 1914 or earlier . . . and the whole matter might have been settled at that time but for the outbreak of the War'.[3] In 1915 a joint Sudanese, Egyptian, and Abyssinian Commission visited Lake Tana in order to make a further survey, but the work had to be suspended for political reasons, and no more steps were taken in the matter until after the end of the War. Early in 1920 the Egyptian Ministry of Public Works sent to Lake Tana yet another mission, consisting of Mr. G. W. Grabham and Mr. R. P. Black. Their report[4] confirmed the conclusions and deductions made by Mr. Dupuis in 1903.[5] In 1924, when a Labour Government was in power in Great Britain, conversations took place on the Tana Dam project and notes were exchanged between the British Foreign Secretary and Ras Taffari Makonnen; but these negotiations led to no result, and the last British note remained unanswered.[6] In the meantime, before Great Britain had taken up

[1] *Survey for 1920–3*, Part V, Section (ii).

[2] Such opposition may have been due either to a legitimate disapproval of Abyssinia's record in the matter of the slave-trade or else to political considerations which would be harder to justify.

[3] Sir Austen Chamberlain in the House of Commons on the 2nd August, 1926.

[4] *Report of the Mission to Lake Tana, 1920–1* (Government Press, Cairo, 1925).

[5] See the *Survey for 1925*, vol. i, p. 268.

[6] Sir Austen Chamberlain, *loc. cit.*

the question again with Abyssinia after the interruption caused by the General War of 1914–18, it had been the subject of an overture to Great Britain on the part of Italy. In November 1919, as 'part of a wider negotiation of a colonial character arising out of the Treaty of London of 1915',[1] the delegates of the Italian Government then in London presented the following proposal:

> In view of the predominating interests of Great Britain in respect of the control of the waters of Lake Tana, Italy offers Great Britain her support, in order that she may obtain from Ethiopia the concession to carry out works of barrage in the lake itself, within the Italian sphere of influence, pending the delimitation of the extent of the territorial zone to be recognized as pertaining to Great Britain in respect of the latter's predominant hydraulic interests, and pending a just consideration of the reservation on behalf of Italy by the Tripartite Agreement likewise in respect of her hydraulic interests. Italy further offers her support to Great Britain in order that the latter may obtain from Ethiopia the right to construct and maintain a motor road between Lake Tana and the Sudan.
>
> Italy requests the support of Great Britain in order that she may obtain from the Ethiopian Government the concession to construct and to run a railway from the frontier of Eritrea to the frontier of Italian Somaliland; which railway according to the Tripartite Agreement must pass to the west of Addis Ababa. It is understood that this railway, together with all the necessary works for its construction and for its running, must have an entirely free passage across the above-mentioned motor road.
>
> Italy requests from Great Britain, as she also reserves to herself the right to request from France, an exclusive economic influence in the west of Ethiopia and in the whole of the territory to be crossed by the above-mentioned railway, and the promise to support with the Ethiopian Government all requests for economic concessions regarding the Italian zone.[2]

This 'offer was not entertained at the time, chiefly owing to the strong objection felt to the idea of allowing a foreign Power to establish any sort of control over the head-waters of rivers so vital to the

[1] This was, of course, the treaty of the 26th April, 1915, in consideration of which Italy had intervened in the General War on the side of the Entente Powers. For the text of the treaty see *Cmd.* 671 of 1920, and the *History of the Peace Conference of Paris*, vol. v, pp. 384–93. The negotiations referred to arose out of Article 13, which provided for a rectification of colonial frontiers in Africa in Italy's favour if Great Britain and France extended their holdings in Africa as a result of the War. For the fulfilment of this provision see the *Survey for 1924*, Part III, Section (i) (frontier between Kenya Colony and Italian Somaliland); the *Survey for 1925*, vol. i, Part II, Section (xii) (Libyan-Egyptian frontier).

[2] Text cited in the British note to the Italian Government dated the 14th December, 1925 (printed in Parliamentary Paper *Cmd.* 2680 of 1926).

prosperity and even the existence of Egypt and the Sudan.'[1] When, however, the direct proposals made to Abyssinia by Great Britain in 1924 had failed to produce any positive result, and after the Labour Government in London had been succeeded by a Conservative Government on the 6th November of that year, His Britannic Majesty's Government, 'in view of the relations of mutual confidence so happily existing'[2] between themselves and the Italian Government, became animated by a desire 'to extend to this question the principle of friendly co-operation which' had 'proved so valuable in other fields'. Accordingly, they further examined the question and arrived at the conclusion that the Italian proposal of 1919 was

> not in contradiction with the stipulations of the London Agreement of the 13th December, 1906, since the object of that agreement is to maintain the *status quo* in Ethiopia on the basis of the international instruments indicated in Article 1 thereof and the co-ordination of the action of the signatory States to protect their respective interests so that they should not suffer prejudice.[3]

They therefore decided to 'welcome the Italian support offered, provided that it' could 'be accepted without prejudice to those paramount hydraulic interests of Egypt and the Sudan which the Italian Government' had 'not failed to recognize'.

Thereupon, on British initiative, Anglo-Italian negotiations ensued, which resulted, in the course of the year 1925, in an agreement embodied in an exchange of notes—a British note of the 14th December, 1925, and an Italian note of the 20th.[4] The Abyssinian Government were not invited to participate in these negotiations or consulted during their course. In fact, they were not informed that they had taken place until after an Anglo-Italian agreement had been concluded.[5]

This agreement adhered closely to the lines of the Italian proposal of November 1919. The most noticeable discrepancy was that, in the notes constituting the agreement, there was no mention of that 'territorial zone to be recognized as pertaining to Great Britain in respect of the latter's predominant hydraulic interests', the delimitation of which had been contemplated in 1919.[6]

[1] Statement in the British note of the 14th December, 1925.
[2] British note of the 14th December, 1925.
[3] Quoted from the British note of the 14th December, 1925.
[4] Texts in *Cmd.* 2680 of 1926; *League of Nations Official Journal*, November 1926.
[5] Statement by Sir Austen Chamberlain in the House of Commons at Westminster on the 2nd August, 1926.
[6] In this connexion a certain interest attaches to the following passage in

In the agreement of December 1925 the Italian Government undertook to 'support the British Government with the Ethiopian Government, in order to obtain from the latter the concession to construct a barrage at Lake Tana, together with the right to construct and maintain a motor-road for the passage of stores, personnel, &c., from the frontier of the Sudan to the barrage'. Further, the Italian Government, 'recognizing the prior hydraulic rights of Egypt and the Sudan,' engaged themselves 'not to construct on the head-waters of the Blue Nile and the White Nile and their tributaries and affluents any work which might sensibly modify their flow into the main river'. On the British side it was understood that this proviso 'would not preclude a reasonable use of the waters in question by the inhabitants of the region, even to the extent of constructing dams for hydro-electric power or small reservoirs in minor affluents to store water for domestic purposes, as well as for the cultivation of the food crops necessary to their own subsistence'. The British Government also assured the Italian Government 'that the construction and operation of the dam' would 'be effected so far as possible with locally-recruited labour and' would 'not raise the level of the waters in the lake beyond the maximum hitherto attained during the rainy season'.

In return for the Italian Government's undertaking to support a British demand for the Lake Tana barrage concession, the British Government undertook 'to support the Italian Government in obtaining from the Abyssinian Government a concession to construct and run a railway from the frontier of Eritrea to the frontier of Italian Somaliland', with the understanding 'that this railway, together with all the necessary works for its construction and for its running, would have entirely free passage across the British motor-road'.

With this two-fold object in view, the two European Governments agreed that the necessary identic instructions should be sent to the British and Italian representatives in Ethiopia to concert for common action with the Abyssinian Government in order to obtain that the

a telegram from the Paris correspondent of the *Corriere della Sera*, dispatched on the 28th June, 1926, and published on the 29th:

> 'In Paris they are not unaware of the fact that Italy, in her concern to avoid any ill-feeling on the Abyssinian side and any repercussion at Geneva, has used her influence during the conversations with London for the elimination of the English proposal of a 'corridor', which might have given umbrage, by substituting for it the maintenance of a motor road from the Sudan to Lake Tana; and of the further fact that the British intention of maintaining a police and surveillance service on Abyssinian territory—an arrangement which could easily be transformed into a masked occupation—was abandoned owing to the firm resistance on the Italian side which it encountered.'

concessions desired should be granted contemporaneously. It was understood between them that, in the event of one of the two Governments securing the concession sought for while the other Government failed to do so, the Government which had obtained satisfaction would not relax their whole-hearted and most effective efforts to secure a corresponding satisfaction for the other Government concerned.

In addition the British Government undertook, in the event of their 'obtaining from the Abyssinian Government, with the valued assistance of the Italian Government, the desired concession on Lake Tana, to recognize an exclusive [*sic*] Italian economic influence in the west of Abyssinia and in the whole of the territory to be crossed by the above-mentioned railway.[1] They would further promise to support with the Abyssinian Government all Italian requests for economic concessions in the above zone.'

When this Anglo-Italian agreement had been concluded by the exchange of notes on the 14th and the 20th December, 1925, either Government dispatched a copy of the note which it had addressed to the other to its diplomatic representative at Addis Ababa for communication to the Abyssinian Government;[2] 'but, as the post to Abyssinia was a long one, the substance of the notes was at once communicated' (presumably by telegram) to the British Minister at Addis Ababa, 'who informed the Abyssinian Government of their character and contents. That information reached the Abyssinian Government before the end of January.'[3]

The two parties to the bipartite agreement of December 1925 had to reckon not only with the Abyssinian Government but with France, the co-party to the prior tripartite agreement of the 13th December, 1906. The French standpoint was that the tripartite agreement gave the three parties equal rights on Abyssinian territory, and that it could not be modified by any two of the parties without the consent of the third. Accordingly, even if the Abyssinian Government (which was not a party to the agreement of 1906) were to accept the agreement of 1925, the latter agreement would not become valid, according to the French view, unless and until the British and Italian Governments had either convinced the French Government that the bipartite agreement involved no modification of the tripartite agreement, or else had persuaded the French Government to consent to whatever

[1] This passage, from the words 'an exclusive' down to the words 'above-mentioned railway', was taken textually from the Italian proposal of November 1919.

[2] Statement by Sir Austen Chamberlain in the House of Commons at Westminster on the 2nd August, 1926.

[3] Sir Austen Chamberlain, *loc. cit.*

modifications it might entail.[1] On this account the texts of the British and Italian notes of December 1925 were communicated to the French Government[2] (before the full texts reached the Abyssinian Government); some slight alterations were suggested;[3] and on the 2nd July it was reported in the English press that the French Government were satisfied that French rights acquired under the 1906 agreement were in no way infringed, and that the French representative at Addis Ababa had been instructed to act in complete agreement with his British and Italian colleagues. At Rome this report was declared to be premature. Nevertheless, in the light of a *communiqué* from the French Ministry of Foreign Affairs, published on the 5th July, 1926,[4] in which it was stated that the problem raised by the Anglo-Italian agreement was being submitted, together with a certain number of Mediterranean questions, to an amicable examination by the French and Italian Governments, Sir Austen Chamberlain was able, on the 2nd August, 1926, to declare his belief that 'the French were entirely satisfied with the explanations received'.

Possibly the French were also satisfied, by that time, that the Anglo-Italian agreement would have to run the gauntlet of international criticism, and that the French Government might therefore safely refrain from making themselves unpleasant to their British and Italian *confrères*, in the assurance that these would not escape castigation from other hands. On the 9th June, 1926, the full texts of the two notes of December 1925 were transmitted simultaneously to the Abyssinian Government by the British and Italian representatives at Addis Ababa;[5] and on the 30th June the texts were registered, at the request of the two parties, by the Secretariat of the League of Nations at Geneva. Meanwhile, before the end of June, the Abyssinian Government had already taken action of which the French Government may not have been unaware at the time when they drafted the *communiqué* published on the 5th July.

On the 15th June, 1926, Ras Taffari addressed to the British and Italian representatives at Addis Ababa two notes[6] in identic terms:

> The fact that you have come to an agreement, and the fact that you

[1] For an exposition of this French standpoint, see *Le Temps*, 26th June and 2nd July, 1926.

[2] Statement by Sir Austen Chamberlain in the House of Commons at Westminster on the 2nd August, 1926.

[3] Sir Austen Chamberlain, *loc. cit.* [4] Text in *Le Temps*, 5th July, 1926.

[5] Texts of their respective covering notes in British Parliamentary Paper *Cmd.* 2792 of 1927, and in *League of Nations Official Journal*, November 1926.

[6] Texts in *Cmd.* 2792 of 1927, and in *League of Nations Official Journal*, *loc. cit.*

have thought it necessary to give us a joint notification of that agreement, make it clear that your intention is to exert pressure, and this, in our view, at once raises a previous question.

This question, which calls for preliminary examination, must therefore be laid before the League of Nations.

In the note addressed to the British representative the following additional paragraph appeared:

> The British Government had already entered into negotiations with the Abyssinian Government in regard to its proposal, and we had imagined that, whether that proposal was carried into effect or not, the negotiations would have been concluded with us; we should never have suspected that the British Government would come to an agreement with another Government regarding our Lake.

On the 19th June Ras Taffari followed up this step by addressing to the Secretary-General of the League of Nations a note enclosing copies of the British and Italian notes of December 1925, and of his own replies of the 15th June, 1926, together with the text of a protest,[1] addressed to the States Members of the League of Nations, with the request that these documents might be communicated to the States Members in order that the question might be considered.

On the 22nd July the Acting Secretary-General of the League, Dr. Inazo Nitobe, addressed a note[2] to Ras Taffari, acknowledging the receipt of his note of the 19th June and informing him that he had made all necessary arrangements to bring the contents of the various enclosures to the knowledge of the States Members of the League. He also informed him that he had forwarded a copy of his note in a special dispatch to the British and Italian Governments, as those directly concerned, and that he proposed to transmit to Ras Taffari any observations which those Governments might think it desirable to send to the Secretariat. With regard to the desire expressed in Ras Taffari's note that, after communication of the enclosures to the States Members of the League, the question might be considered, the Acting Secretary-General inquired whether Ras Taffari's request was to be interpreted as an application for the inclusion of the question in the agenda of an early session of the League Council; informed him that the next session of the Council was to open at Geneva on the 2nd September, 1926; and suggested that he should furnish the Secretariat by telegram with all further particulars that might be of assistance in this matter.

[1] Text in *Cmd.* 2792 of 1927; *League of Nations Official Journal, loc. cit.*

[2] Text in *Cmd.* 2792 of 1927, pp. 8–9; *League of Nations Official Journal, loc. cit.*

In the event, it proved unnecessary for the Abyssinian Government to bring the matter before the Council of the League, since the publicity which Ras Taffari had already succeeded in giving to the affair led the British and Italian Governments, in public pronouncements of which Ras Taffari was careful to take public note, to interpret the terms of their agreement in a manner which was reassuring to Abyssinia. Indeed, these interpretations confined the scope of the agreement within innocuously modest limits.

The British Government's interpretation was made public in certain replies given by Sir Austen Chamberlain to parliamentary questions in the House of Commons on the 5th July and the 2nd August, in a speech delivered in the House by the same statesman on the latter date, and in a note addressed by the Foreign Office to the Acting Secretary-General of the League of Nations on the 3rd August, 1926.[1] The British Government declared that the purport of the Anglo-Italian Agreement had been misconstrued, and intentions attributed to the British and Italian Governments which they had never entertained. The notes, which constituted a bilateral agreement, were not intended to bind, and could not possibly bind, any other Government. They suggested and implied no attack on the independence of Abyssinia and no limitations on the right of the Abyssinian Government completely to decide whether or not to grant the concession for which the British Government asked. What the notes did was merely to secure against Italian opposition the concession desired from Abyssinia by Great Britain, and to secure against British opposition the concession desired by Italy. In the British Government's belief the works contemplated by the Italians and the British would be enormously to the advantage of Abyssinia and would as little threaten her independence or her integrity as the railway already constructed by French enterprise from Djibouti to Addis Ababa. As for the British Government's recognition of 'an exclusive Italian economic influence' in a certain specified portion of Abyssinia, this could not affect the rights of third parties or bind the Government of Abyssinia. It imposed no obligation on any one except the British Government, who, in return for the Italian undertakings in regard to Lake Tana, engaged not to compete or support competition with Italian enterprise in the region specified. There was no desire to bring pressure to bear on the Abyssinian Government. The British Government had no desire to hurt them, no idea of placing soldiers or military posts anywhere in Abyssinian territory, and no

[1] Text in *Cmd.* 2792 of 1927, pp. 9–11; *League of Nations Official Journal, loc. cit.*

desire to use some pretext to exclude Abyssinia from the League of Nations in order to get a favourable decision on the subject. Sir Austen Chamberlain hoped that Abyssinia would remain a member, and welcomed the opportunity which the League might afford of showing the innocence of British policy and the propriety of the action of the British Government before the Council of the League of Nations.

A similar interpretation of the Anglo-Italian Agreement, accompanied by corresponding protestations and assurances, was made public by the Italian Government in a note addressed to the Acting Secretary-General of the League of Nations on the 7th August, 1926.[1] Upon the unfortunate word 'exclusive' the Italian commentary was as follows:

> So far as more particularly concerns the recognition on the part of the British Government of the exclusive character of Italian economic influence in certain regions of Ethiopia, it is obvious that this constitutes an undertaking which exists solely between the two Governments of Italy and Great Britain, but cannot bind the liberty of decision of the Abyssinian Government nor the eventual action of third parties.
>
> The question is one of a guarantee of an economic nature obtained for Italian enterprises against British enterprises, thus avoiding a competition which might hinder the success of such undertakings and also prove injurious to the development of the local resources which Ethiopia may be interested in promoting and favouring.

The British note of the 3rd August and the Italian note of the 7th August, 1926, were duly communicated by the Secretary-General of the League of Nations to the Regent of Abyssinia; and on the 4th September Ras Taffari sent a reply[2] which was communicated to the British and Italian Governments and to the other Members of the League and was published in the *League of Nations Official Journal*. In this note Ras Taffari first recalled the history of the incident and again expressed the opinion that the action of the British and Italian Governments, as originally interpreted by the Abyssinian Government, was incompatible with the terms of the League Covenant. He then cited some of the public assurances which had been elicited from the British and Italian Governments by the Abyssinian Government's public protest of the 19th June, 1926, and concluded by requesting the Secretary-General 'to register and publish the present letter, together with the British and Italian notes of December 1925, in order that the public may be acquainted with the Imperial Abyssinian

[1] Text in *Cmd.* 2792 of 1927, pp. 11–12, *League of Nations Official Journal, loc. cit.*

[2] Text in *Cmd.* 2792 of 1927, pp. 13–14, *League of Nations Official Journal, loc. cit.*

Government's views on these notes, and with the reassuring replies which have been made to its protests'.

In a reply[1] dated the 8th October, 1926, the Secretary-General informed Ras Taffari that his letter of the 4th September would be circulated to the members of the League and published in the *Official Journal*. As regards the question of registration, he observed that the letter, being a unilateral declaration, could not be regarded as a treaty or international engagement within the meaning of Article 18 of the Covenant, and that the practice which had hitherto been followed afforded no precedent which justified him in having the letter registered and published in the *Treaty Series*. He informed Ras Taffari, however, that a suitable reference would be inserted in the *Treaty Series* at the end of the text of the notes exchanged between the British and Italian Governments.

With this, the incident closed. Its outcome had demonstrated, in a striking way, the advantage which a weak state, at issue with Great Powers, might derive from membership in the League of Nations—particularly by a judicious use of the publicity for which opportunity was afforded by the League procedure. The extent of this advantage may be measured by the contrast between the vocal and effective protest of Abyssinia against the Anglo-Italian agreement of 1925, and the mute impotence of Persia when confronted with the Anglo-Russian agreement of 1907. The Abyssinian, in 1926, won a notable diplomatic victory, while, as for the Persian, in the days before the foundation of the League, 'as the sheep before his shearer is dumb, so he opened not his mouth.'[2]

[1] Text in *Cmd.* 2792 of 1927, p. 15; *League of Nations Official Journal, loc. cit.*

[2] It may be noted that the British Government's interpretation of the Anglo-Italian agreement regarding Abyssinia, as set forth in the public declarations of the 5th July and the 2nd and 3rd August, 1926, resembled the same Government's interpretation of the Anglo-Russian agreement regarding Persia—an interpretation which was steadily maintained, at least in theory, on the British side from the conclusion of the Anglo-Russian agreement in 1907 down to its lapse after the fall of the Czardom ten years later. In regard to the so-called 'British' and 'Russian' zones which were plotted out on the map of Persia in the agreement of 1907 by the British and Russian Governments (without the Persian Government's participation or concurrence), the British Government always maintained that the 'British' zone was simply a part of Persia in which the Russians had undertaken not to establish influence or seek concessions in rivalry with the British, and that the 'Russian' zone was another part of Persia in which the British had imposed on themselves a similar self-denying ordinance *vis-à-vis* the Russians. Notwithstanding this interpretation of the agreement on the British side, there is little doubt that if the Czardom had outlived the General War of 1914–18, the 'Russian' zone in Persia would have been completely incorporated, in fact if not in form, in the

One result of Ras Taffari's victory was that it gave him greater confidence in his own powers of defence against aggression, and therefore made him more inclined to abandon the traditional Abyssinian attitude of aloofness. During the years 1927–9 the Government at Addis Ababa, under the leadership of Ras Taffari,[1] displayed less reluctance than before to avail themselves of the economic benefits which the Western Powers were anxious to confer upon them. The events of 1926 obliged Great Britain and Italy to proceed independently of one another in the pursuit of their aims with regard to Abyssinia, but that did not mean that they abandoned all hope of obtaining the concessions which had been the subject of their agreement in 1925. In the event, Italy was the first Power to score a definite point in the competition for Abyssinian favours. In view of the relations which had existed between Italy and Abyssinia in the past, and of the unpopularity which Italy, as well as Great Britain, had incurred by her proceedings in 1925, the signature, on the 2nd August, 1928,

Russian Empire, and that the British interpretation would then have broken down in regard to the 'British' zone likewise. This example shows that the most innocuous interpretation of an agreement between two Governments concerning the territory of a third Government may not in itself be enough to allay the apprehensions which the third party in such a situation can hardly fail to feel. The main differences between the situations of Persia after the Anglo-Russian agreement of 1907 and Abyssinia after the Anglo-Italian agreement of 1925 were, first, that in the Persian case Russia never acted in accordance with the British interpretation of the agreement, but from the outset treated the 'Russian' zone in Persia as though it were an exclusive Russian preserve, whereas in the Abyssinian case Italy publicly committed herself to the same interpretation as Great Britain; and, secondly, that in the Abyssinian case the defensive weapon of publicity remained at the command of the Abyssinian Government should further occasion for the employment of it arise.

[1] On the 7th October, 1928, Ras Taffari Makonnen was crowned 'Negus' or King, by his cousin the Empress Judith. Rumours had been current that a reactionary and anti-foreign party in Abyssinia had been attempting to influence the Empress against the Regent, and the latter's coronation was taken as an indication that any differences between him and the Empress had been satisfactorily composed and that he would be able to go forward along the path of progressive modernization. It was significant that, within a few months of Ras Taffari's confirmation in power, the Government at Addis Ababa should have advertised for tenders for the supply and erection of wireless stations in Abyssinia. For a country in the geographical position of Abyssinia, the establishment of wireless communications would provide the readiest means of keeping in touch with the outer world; and it would also give the Government greater control over outlying districts, where the activities of unruly chieftains were still a source of anxiety. In the summer of 1927, for instance, a caravan from British Somaliland was attacked when it was some fifty miles inside the Abyssinian frontier (which it had crossed with the knowledge and permission of the Government at Addis Ababa), and a number of Somalis were killed. In May 1928 a settlement was reported to have been reached of claims amounting to £21,000, in respect of raids from Abyssinia into Kenya Colony.

of an Italo-Abyssinian Pact of Friendship was a notable success for Signor Mussolini's diplomacy.

Ras Taffari had paid a state visit to Rome in the summer of 1924, and in May 1927—when the ill-feeling created by the Anglo-Italian agreement of December 1925 had had time to die down—this visit was returned by the Duke of the Abruzzi, who spent about a week in Addis Ababa. Thereafter negotiations for a comprehensive treaty were actively pursued; and on the 2nd August, 1928, there were signed at Addis Ababa a Pact of Friendship and Arbitration and a supplementary agreement. The Pact of Friendship—the first treaty of the kind concluded by Abyssinia—was to remain in force for twenty years from ratification.[1] It provided for perpetual peace and friendship between the two Powers, who each undertook to refrain from any action which might in any way be detrimental to the interests or to the independence of the other. Any differences of any kind which might arise and which could not be settled by the ordinary methods of diplomacy were to be submitted to arbitration.

Under the supplementary agreement Italy undertook to lease to Abyssinia for 130 years, at a nominal rent, a piece of land in or near the port of Assab, in the south of Eritrea, on which a jetty or wharf could be built. The area so leased was to be subject to the control of the Abyssinian Government, and goods passing through the zone were to be exempt from Italian customs duties. Provision was also made for the building of a road suitable for lorry traffic linking Assab with the interior of Abyssinia. Italy undertook to construct the road from Assab to the frontier, while Abyssinia was to be responsible for a section nearly 200 miles in length from the frontier to the town of Dessie, about 150 miles north-east of Addis Ababa. An Italo-Abyssinian company was to be formed which was to have the sole concession for the transport of goods and passengers on this road. A commission of experts was to be set up to examine the details of the work and expenditure involved in the construction of the motor-road, and to decide certain questions in connexion with the administration of the free zone; and the terms of the convention were not to come into force until the conclusions of the experts had been approved by both the Governments concerned.

If the terms of the supplementary convention were carried out, both parties stood to gain substantial advantages. Abyssinia would gain by having two routes to the coast instead of only one (the

[1] Ratifications were exchanged on the 2nd August, 1929. The text of the Pact of Friendship and of the supplementary convention will be found in *Documents on International Affairs, 1928.*

Djibouti-Addis Ababa Railway), and the creation of a free zone at Assab would give her considerably greater facilities for her trade than she enjoyed at Djibouti.[1] As for Italy, though she appeared to have abandoned, at any rate for the time being, her more ambitious project of linking Eritrea with Italian Somaliland by a railway to the west of Addis Ababa, she doubtless anticipated that she would be able to play a role of growing importance in the economic development of Abyssinia when once the first step had been taken and an outlet had been created in Eritrea for the northern provinces. Considerable anxiety was expressed in France at the prospect of Italian rivalry with the port of Djibouti; but the technical difficulties of the project outlined in the convention made it improbable that France would feel the effects of the threatened competition for some time to come. In the autumn of 1928 the commission of experts were reported to have begun their investigations, but this preliminary exploration does not appear to have been completed by the end of the following year.

In the meantime, the British Government had also renewed their efforts to obtain from Abyssinia the concession for a Lake Tana barrage. They seem to have submitted formal proposals to the Government at Addis Ababa early in 1927; and a further memorandum setting out the British desiderata in detail was handed to Ras Taffari in the following August. In these circumstances something of a sensation was caused by the announcement in New York, at the beginning of November 1927, that a contract for building a dam at Lake Tana had been concluded with an American firm, the J. G. White Engineering Corporation, by an agent of the Abyssinian Government, Dr. Wargneh Martin. It was known that Ras Taffari had been making efforts for some time past to attract American capital to Abyssinia[2], and also to induce the Government at Washington to appoint a Minister at Addis Ababa[3]—presumably with an eye to

[1] The idea of creating an Abyssinian free zone at Djibouti seems to have been under discussion some years earlier, but nothing had come of it.

[2] In a statement to the press in May 1927 the Regent went so far as to suggest that American capitalists should employ the slaves who still constituted a large part of the population of Abyssinia in the development of coffee, rubber, and copper, and should pay the slave owners a yearly sum as rental for five years, after which the slaves should be set free. This method of assisting the Abyssinian Government to carry out their promise to abolish slavery was hardly likely to appeal to American minds, and when the question of the Tana barrage was under discussion in the autumn of 1927, the State Department at Washington was reported to have satisfied itself that if an American firm undertook the contract it would not be necessary to employ slave labour.

[3] Congress had been asked in 1926 to make provision for a Legation at Addis Ababa, but the proposal had been rejected by the Senate Committee on Foreign Relations. In July 1927 the Department of State announced its intention of

the advantage which he would enjoy, when dealing with his neighbours, in having at hand the representative of a Power that would be likely to set its face against any territorial ambitions at Abyssinia's expense. The Department of Commerce at Washington had recently been taking steps to arouse an interest in Abyssinia among American firms, and in course of time American capital would doubtless begin to play its part in the development of the country. Neither Egypt nor Great Britain, however, was prepared to view with equanimity a project which might place in non-British hands the control over the water-supply of Egypt and the Sudan, and the report that the Abyssinian Government had concluded a contract with an American firm gave rise to some alarm. Sir Austen Chamberlain, when he was questioned on the subject in the House of Commons at Westminster on the 8th November, 1927, said that he had not yet received any official information as to the reported negotiations, and he pointed out that if it had been the case that the

> Abyssinian Government contemplated the grant of such a concession, without consulting us, this action would constitute a violation of the Treaty of 1902 between His Majesty's Government and the Emperor Menelik, whereby the Abyssinian Government undertook not to construct, or allow to be constructed, such a dam except by agreement with His Majesty's Government and the Government of the Sudan.

Sir Austen Chamberlain added that he was 'confident that the Abyssinian Government are not unmindful of this obligation', and his confidence was justified by the explanations of the incident which were given by Ras Taffari's agent, Dr. Martin, when he visited England on his way back from the United States. Dr. Martin declared, in statements to the press, that no final contract had been concluded with the J. G. White Engineering Corporation; that the Abyssinian Government had no intention of evading their treaty obligations to Great Britain, who had not been consulted because the negotiations had not passed beyond the stage of tentative inquiries; and that those inquiries had been undertaken as a direct result of the British Government's request for a concession—the United States having been selected 'because the financial conditions were better there than elsewhere'.

Dr. Martin's interpretation of this incident was borne out by the sequel. In November 1929 the Abyssinian Government intimated their willingness to discuss the question of the Tana Dam with the Sudan Government, and when Mr. R. M. MacGregor, the Irrigation

sending a diplomatic representative to Abyssinia in the course of the current year, but this step does not seem actually to have been taken.

Adviser to the Sudan Government, went to Addis Ababa in January 1930 to negotiate with representatives of the Abyssinian Government, he was accompanied by the Vice-President of the J. G. White Engineering Corporation, Mr. Lardner. The conversations continued until the beginning of March and resulted in agreement that engineers of the White Corporation should proceed to Lake Tana in the autumn, after the end of the rains, in order to make a detailed investigation on the spot of the engineering aspects of the problem. The question of building a road from Addis Ababa to Lake Tana was also to be included in the examination. It was arranged that the final decision in regard to the construction of the Tana dam should be postponed until the engineers had completed their report; but the friendly atmosphere which had prevailed throughout the discussions of January-March 1930 gave grounds for hope that an agreement satisfactory to all the parties concerned would ultimately be concluded.

In other respects, also, a certain progress could be recorded in regard to relations between Abyssinia and the Sudan. The Sudan Government had for some years had a trading post at Gambella, some sixty miles inside the Abyssinian frontier, and in 1927 and 1928 a private company, the Ethiopian Motor Transport Company, was engaged under a concession from the Abyssinian Government in the construction of a road from Gambella eastwards to Gore, a distance of about fifty miles. In April 1929 it was announced that the same company had obtained a concession to construct a railway from Gambella to the Sudan frontier. The volume of trade which passed through Gambella was considerable, and there was reason to hope that the improvement of communications would have a beneficial effect on commercial and other relations between the Sudan and Abyssinia.

It may be noted, also, that in November 1929 Ethiopian Ministers arrived for the first time to present their credentials in London and in Rome. An Abyssinian Legation had already been established in Paris, and Ras Taffari's decision to place on a reciprocal basis his diplomatic relations with the three countries whose colonial possessions surrounded his territory was an indication of the change which had taken place in Abyssinia's international status during the past few years.

(iii) The Rectification of Frontier between the Territories mandated to Great Britain and to Belgium in East Africa.

In a previous volume[1] it has been recorded that the original boundary between the two territories—mandated respectively to

[1] *Survey for 1920–3*, pp. 396–7.

Great Britain and to Belgium—into which the former German colony of East Africa had been divided in the peace settlement after the General War of 1914–18, had partitioned the native kingdom of Ruanda; and that, in order to remove the hardships and losses which this partition imposed upon the native population, the British and Belgian Governments had come to an agreement—which was communicated to the Secretary-General of the League by letters dated the 3rd August, 1923, from both Governments—for the rectification of the frontier and the reconstitution in its entirety of the Kingdom of Ruanda under Belgian Mandate.

Thereafter, the demarcation of the new frontier was carried out on the ground by commissioners appointed by the Governments of the two Mandatory Powers; and the results of their work were embodied in a protocol signed at Kigoma on the 5th August, 1924.[1] Ratification was effected by an exchange of notes at Brussels on the 17th May, 1926, in which it was also agreed that all customary rights of fishing and passage exercised by natives living on either side of the new boundary should be preserved, subject to the preservation by the respective Governments of their own common law rights.

This exchange of notes and protocol were registered at Geneva on the 1st September, 1926; and copies of these instruments, as well as copies of the maps attached, were deposited in the archives of the League of Nations.

(iv) The Administrative Union of the Mandated Territory of Ruanda-Urundi with the Belgian Colony of the Congo.[2]

Article 10 of the Mandate for Ruanda-Urundi, as approved by the Council of the League of Nations, provided as follows:

> The Mandatory shall have powers of administration and legislation in the area subject to the mandate; this area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the preceding provisions.
>
> The Mandatory shall therefore be at liberty to apply his laws to the territory under the mandate subject to the modifications required by local conditions, and to constitute the territory into a Customs, fiscal or

[1] Text in *Cmd.* 2812 of 1927; Protocol respecting the boundary between Tanganyika Territory and the Belgian Mandated Territory of Ruanda-Urundi, signed at Kigoma, August 5, 1924, and notes exchanged between the British and Belgian Governments, Brussels, May 17, 1926, with three maps.

[2] See the interesting statement on the general policy of the Belgian mandatory administration in Ruanda-Urundi which was made by the Royal Commissioner, Monsieur Marzorati, to the Permanent Mandates Commission on the 16th June, 1926.

administrative union or federation with the adjacent possessions under his own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of this mandate.

On the strength of these provisions, the Mandatory Power, in 1922, had established a customs union between the mandated territory and the Belgian colony of the Congo; and in 1925 a general administrative union between the mandated territory and the colony was provided for in a Bill which was passed by the Belgian Parliament on the 28th July, and was officially promulgated on the 9th September of that year. The governing clauses of this Act were the following:

Article 1.—The territory of Ruanda-Urundi shall be united for purposes of administration with the colony of the Belgian Congo, of which it shall form a Vice-Governor-General's province. It shall be subject to the laws of the Belgian Congo, except as hereinafter provided.

Article 5.—The rights conferred on the Congolese by the laws of the Belgian Congo shall apply, subject to the distinctions specified in the said laws, to the nationals of Ruanda-Urundi.

Article 6.—Any provisions of the laws of the Congo which may be contrary to the stipulations of the Mandate or of the agreements approved by the laws of October 20th, 1924, shall not apply to Ruanda-Urundi.

This Bill had been introduced into the Belgian Parliament on the 12th February and the 9th July, 1925; and on the 28th March, 1925, before its passage, the German Government addressed to the Belgian Government a note protesting against its terms, on the ground that, under Article 22 of the Treaty of Versailles (i.e. Article 22 of the Covenant of the League of Nations), the right to subject a mandated territory to the laws of the Mandatory and to make it an integral part of the Mandatory's territory was reserved to 'C' Mandatories, whereas the Mandate which had been conferred on Belgium for Ruanda-Urundi was of the 'B' class. The German Government argued that Belgium could not appeal to the example of Great Britain in regard to the Cameroons and Togo,[1] since these mandatory districts had not been actually amalgamated with the neighbouring British colonies, but were to be administered (according to Orders in Council of the 26th June and the 11th October, 1923) 'as if' they 'were' integral parts thereof. As a signatory of the Treaty of Versailles, Germany claimed a right to insist on the proper application of Article 22. The Belgian Government considered this note unacceptable on the following grounds: that, under Articles 118 and 119 of the Treaty of Versailles, Germany had surrendered her former overseas colonies and protectorates and had accepted in advance the régime to which these

[1] See section (xii) of this part of the present volume.

territories might be subjected by the Principal Allied and Associated Powers; that the German objections to the status prepared for Ruanda-Urundi amounted to a condemnation of Article 10 of the Belgian Mandate, which had been approved by the League; and that the League Covenant, in spite of being incorporated in the Versailles Treaty, conferred rights only upon States Members of the League—with the consequence that, so long as Germany was not a Member of the League, she had no right or title to intervene in such questions. On these grounds the Belgian Government requested the German Government to withdraw their note, and it was eventually agreed to regard the note as not having been sent. On the 25th September, 1925, however, the German Government reiterated their protest in a memorandum (dated the 16th September) which was addressed to the Secretary-General of the League of Nations.[1]

In the observations on the German memorandum which were addressed by the Belgian Government to the Secretary-General on the 16th October, 1925, it was mentioned that, 'prior to the receipt of the German note, the Belgian representative appointed to assist the Mandates Commission in examining this report[2], had been instructed to take steps to initiate a discussion on the subject in question'; and this discussion duly took place on the 22nd October, 1925, during the seventh session of the Commission. The accredited representative of the Mandatory Power, Monsieur Halewyck, submitted that the object of the administrative union was to secure to the mandated territory the best possible administration at the lowest possible cost.

> The Belgian Government considered that in the capital of the Belgian colony was to be found a senior administrative staff of very competent men whose work, which was meeting with the greatest success, extended right to the eastern provinces of the Congo territory. It therefore thought good, in the obvious interests of the population of Ruanda-Urundi, not to double the already large central services and the technical and medical services established at Boma, but, thanks to the administrative union, to extend the working of these services to the mandated territory.

In protesting against the terms of the German memorandum Monsieur Halewyck made the following declarations:

> First, as regards the nationality of the inhabitants of Ruanda-Urundi. No provision of the law in question gives the German Government

[1] For the texts of this memorandum and the covering letter, together with the observations of the Belgian Government and a note attached thereto, see *League of Nations Official Journal*, March 1927.

[2] i.e. the Belgian report on the administration of Ruanda-Urundi for the year 1924.

any authority for stating that this law transforms the natives into Belgian subjects contrary to the wishes of the Permanent Mandates Commission. The Belgian authorities are firmly determined to defer to the decision which has been taken in regard to these questions by the League of Nations on the proposal of the Permanent Mandates Commission.

Secondly, with regard to the diminution of the part assigned to the native chiefs in Ruanda-Urundi in the administration of that territory.

The official statement introducing the law voted by the Belgian Chamber clearly shows the desire of the Belgian Government to change in no respect that policy of indirect administration which experience has shown to have given, up to the moment, such happy results.

Finally, with regard to the threat of a veiled annexation.

Belgium accepted the duty of exercising her Mandate in the name of the League of Nations and in conformity with the stipulations of the Treaty of Versailles, and she will allow no one to doubt the loyalty of a country which has never been accused of violating its international undertakings.

'The Commission noted the explanations of the accredited representative, which, since they were made in the name of his Government,' might 'be regarded as an authorized interpretation of the text' of the Belgian Law of 1925. They 'also noted the explanation given with regard to the present text of Articles 1 and 5 of the law, which' might 'give rise to unfortunate interpretations. The accredited representative promised to bring to the attention of his Government the observations made by the Commission on this question'.[1]

On the 16th June, 1926, during the ninth session of the Permanent Mandates Commission, a further discussion arose over a passage in the report of the Belgian Government on the administration of Ruanda-Urundi in 1925, to the effect that

> While giving to the mandated territory the benefit of the institutions of the Belgian Congo, the law of August 21st, 1925, carefully preserved for that territory a legal personality absolutely distinct.

On this passage the question was raised whether, in view of the first article of the law of 1925 (quoted above), the Vice-Governor-General of Ruanda-Urundi was subordinate to the Governor-General of the Congo from an administrative point of view. Monsieur Halewyck 'replied that it was the Governor of Ruanda-Urundi and not the Governor-General who had the right to promulgate in the territory under Mandate the legislative acts of the Congo'; but that, if 'the Governor-General was of the opinion that it was important for a particular law or regulation of the Congo to be put into force in the

[1] Permanent Mandates Commission: *Report on the Work of the Seventh Session* (19th–30th October, 1925), p. 6.

mandated territory', in the last resort he had authority to override any objections on the Governor's part. He 'explained that, in virtue of Article 3 of the law, the Governor of Ruanda-Urundi could apply to that territory the legislative acts in force in the Congo. Before using that power, he had to make sure that there was nothing in the legislation which he desired to introduce into Ruanda-Urundi which was contrary to the provisions of the Mandate. If later on it was noted that any provision of the laws governing the Congo which had escaped his close examination was contrary to the stipulations of the Mandate, it was legally inapplicable by the terms of Article 6 and it was the duty of the courts to consider it as null and void'.

On this occasion the Commission also discussed with the Belgian accredited representative and with the Belgian Royal Commissioner[1] in Ruanda-Urundi, Monsieur Marzorati, the effect of the customs union between Ruanda-Urundi and the Congo upon the finances of the mandated territory.[2]

[1] Under the Belgian law of 1925, the Royal Commissioner in the mandated territory was in future to bear the title of a Governor of a province of the Colony of the Congo.

[2] One of the principal difficulties with which the Mandatory Power had to contend in Ruanda-Urundi was over-population. In spite of efforts to improve agricultural methods and intensify cultivation, the Administration was frequently called upon to take emergency measures to cope with food shortage. In 1926 many deaths of natives from famine were reported; and, though the situation improved in 1927, a partial failure of the rains at the end of that year and the beginning of 1928 caused a severe and prolonged famine in Eastern Ruanda. It was estimated that some 300,000 natives were affected; the death rate was very heavy, and large numbers of natives left their homes, thus increasing the difficulty of distributing food supplies. For a description of the conditions in the spring of 1929, see a report by a medical missionary, published in *The Times* of the 16th April, 1929. See also the statements made by the accredited representative of the Belgian Government at the sixteenth session of the Permanent Mandates Commission in November 1929 (*Minutes*, pp. 57–9). In 1928 proposals were under consideration for the transfer of inhabitants of the mandated territory to adjoining parts of the Belgian Congo, but the Permanent Mandates Commission, when the question came before them in November 1928, were not satisfied that the solution of the social and economic problems created by over-population lay in the direction of assisted migration (see the *Minutes* of the fourteenth session, pp. 135–6 and 272). The question was discussed again by the Permanent Mandates Commission during their sixteenth session in November 1929, and in their report on that session they asked for fuller information regarding a scheme for transferring a certain number of families from Ruanda to a district south-west of Lake Tanganyika, where conditions were said to be similar to those of their homeland. In the same report, the Mandates Commission recorded the satisfaction with which they had learnt that, in order to prevent the recurrence of famine in the mandated territory, the Belgian Government were 'taking steps to regularize the rainfall by means of afforestation, to encourage agricultural production, and to facilitate the transport of foodstuffs by pushing forward the construction of a road system'.

(v) The Negotiations between the Union of South Africa and the Portuguese Province of Mozambique for the conclusion of a new Mozambique Convention.

On the 1st April, 1909, a convention[1] was concluded between the Government of the British Colony of the Transvaal (the place of which was afterwards taken, as provided in Article 40 of the convention, by the Government of the Union of South Africa) and the Government of the Portuguese Province of Mozambique, in order to regulate various economic matters of common interest to the two parties.

The substance of this convention of 1909 was as follows.

In Part I (Matters concerning Natives) provision was made for the recruiting of native labour in Mozambique Province for the mining industries of the Transvaal, under licences granted by the Government of the Province, on receipt of applications supported by the Transvaal Government and accompanied by an undertaking to comply with the recruiting regulations in force or contemplated in the Province (Arts. 1–4). No labourer might be engaged in the first place for more than one year; his period of service might be renewed, but not (except with special permission) for longer than two years in all (Art. 5). The functions of a consular officer in regard to Portuguese natives in the Transvaal were to be performed by a Portuguese official known as the Curator whose special powers and duties were enumerated (Art. 9), and who was to be assisted in specified ways by the Transvaal Government (Arts. 18–20). Special customs provisions were to apply to the goods and baggage of native labourers returning from the Transvaal (Art. 11); and special arrangements were to be enforced regarding passes and passports (Arts. 12–17).

Part II (Arts. 21–31) dealt with matters concerning railways and ports. It provided for the development, by the two Governments in consultation, of import and export traffic to and from the Transvaal via Lourenço Marques, laid down certain measures to be taken to this end, and arranged for the establishment of a Joint Board to be responsible for the detailed application of the terms of the convention. Provision was made for the revision of railway rates in the event of the traffic through Lourenço Marques to the 'competitive

[1] Text in *British and Foreign State Papers*, vol. cii (1908–9). This convention took the place of a *modus vivendi* of the 18th December, 1901 (text in *op. cit.* vol. xcv). This *modus vivendi* had represented the beginning of the system under which the recruiting of labour for the Rand mines had been made dependent on a guarantee to Portugal of a fair share of the railway traffic to the 'competitive area'.

area' falling below 50 per cent. or rising above 55 per cent. of the total traffic by all routes.

Part III (Commercial Intercourse and Customs—Arts 32–9) provided for mutual freedom from import, export, or transit duties of the products of the soil or of the industry of the Province of Mozambique and of the Transvaal, with the exception of distilled and fermented liquors. Special treatment was also to be accorded to goods of any origin or nationality exported or imported through Lourenço Marques.

Part IV (Arts. 40–2) contained certain miscellaneous provisions, Article 41 providing that the convention should be valid for ten years, and should then be terminable on one year's notice from either side; failing such notice it was to continue in force from year to year.

Due notice of the termination of this convention of 1909 having been given, in the terms of Article 41, by the Government of the Union of South Africa, the convention lapsed as from the 1st April, 1923; but on the previous day, that is, the 31st March, 1923, an agreement[1] was signed at Lisbon, by representatives of the British Government and of the Portuguese Government, for the provisional renewal of Part I of the expiring instrument. By this agreement, Part I of the convention of 1909 was to continue in force on and after the 1st April, 1923; but either Government might at any time give six calendar months' notice to the other of its intention to terminate the agreement, and the agreement was to lapse automatically as soon as a definitive convention had been concluded between the two Governments.

In 1922 the South African Government, in which General Smuts was at that time Prime Minister, had entered into negotiations with the Portuguese Government at Lisbon for the conclusion of a new Mozambique Convention; but these negotiations broke down over the question of the control of the Portuguese port of Lourenço Marques, on Delagoa Bay, which, from the geographical point of view, was the natural outlet to the sea for the Eastern Transvaal. On the South African side it was proposed that this port should be controlled by a joint board of Portuguese and South African officials. On the Portuguese side it was felt that this proposal was inconsistent with the absolute sovereignty of Portugal over her colony.

Fresh negotiations were opened, at Lourenço Marques, between the Portuguese High Commissioner for Mozambique and the Union Government in March 1925, and were carried on intermittently at the same place until the October of that year, when the then Prime

[1] Text in British Parliamentary Paper *Cmd.* 1888 of 1923.

Minister of South Africa, General Hertzog, accompanied by his Ministers of Finance, Railways, Agriculture, and Labour, went in person from Pretoria to Lourenço Marques in the expectation of arriving at a comprehensive agreement.

The main subjects of discussion were a project for the construction of a direct railway between Lourenço Marques and the Rand across the British Protectorate of Swaziland; the renewal of the guarantee to the port of Lourenço Marques of a minimum percentage of the traffic to the coast over the Union railway system; railway rates; shipping freights; and free trade in colonial products on the Transvaal-Mozambique frontier.

The demand for the construction of the Swaziland Railway was pressed on the Portuguese side on the strength of a promise which was alleged to have been made in 1904 by Lord Milner;[1] but the proposal did not commend itself to the Union Government, since Swaziland was not part of the Union but was a British Protectorate, administered by the Governor-General of South Africa in the capacity of British High Commissioner—a capacity in which he was responsible to the Government in London and not to the Government at Pretoria. In the course of the negotiations the Portuguese were reported to have waived their demand in consideration of a guarantee, on the South African side, of an additional amount of traffic to Lourenço Marques over the existing railway. The existing arrangement (resting on the *modus vivendi* of the 31st March, 1923) for the recruitment of native labour in Mozambique for work in the Transvaal mines was not called in question; and though there were difficulties in connexion with customs questions—particularly in regard to the duty-free admission of sugar into Union territory—these were not considered sufficiently serious to imperil the success of the negotiations.

The conference adjourned on the 16th October, in the expectation that a new Mozambique Convention would shortly be concluded. The resumption of negotiations, however, was postponed from November to December, and during the interval the Union Government became less inclined to show themselves accommodating towards certain Portuguese desiderata.[2] In January 1926 it was announced by the Portuguese Minister for the Colonies that negotiations with

[1] The Portuguese had actually built a line from Lourenço Marques to Goba on the eastern border of Swaziland, but this line did not connect with any other.

[2] The reason for this stiffening of the Union Government's attitude was the reluctance of the Portuguese Government to consider any suggestion for joint control of Lourenço Marques, or even for consultation in matters relating to the harbour or railways.

the Union for the conclusion of a convention had been postponed 'to a suitable occasion'.

In December 1926 General Hertzog, accompanied by Mr. Havenga, the Union Government's Minister of Finance, and by Mr. Smit, the High Commissioner in London, visited Lisbon, and the discussions were renewed. The Portuguese Government agreed to send a delegation to South Africa to negotiate a new treaty ; but these negotiations, which took place in the summer of 1927, once more proved abortive. In the following November, however, a new incentive to the Union Government to come to terms was provided by the action of the Government of Mozambique in giving notice of the termination, as from the 1st June, 1928, of Part I of the Convention of 1909. It has been mentioned that Part I, relating to the recruiting in Portuguese territory of native labour for the Rand mines, had been maintained in force by a special agreement after the lapse of the convention as a whole, and the denunciation of these provisions threatened to cut off the supply of labour at a time when the demand for it was higher than ever. In these circumstances, steps were taken to end the *impasse*. Mr. C. W. Malan, the Union Minister for Railways and Ports, went to Lisbon at the beginning of May 1928 for a conference with Colonel Cabral, the Governor-General of Mozambique, and with representatives of the Portuguese Government. After a week's discussion the conference was able to decide on the basic principles of a new Mozambique Convention, and a provisional agreement setting out the draft terms was signed on the 15th May. On the 20th August, 1928, a Portuguese delegation, headed by Colonel Cabral, arrived at Pretoria to complete the negotiations, and the definitive convention was signed at Pretoria on the 11th September, 1928.[1]

In Part I, relating to the recruiting and employment of native labour, the principal innovation was the stipulation (Art. 3) that the number of Portuguese natives employed in the mines should be reduced to 100,000 by the end of 1929, and by 5,000 a year during the succeeding four years, until a maximum complement of 80,000 was reached at the end of 1933. It was also provided (Arts. 12–14) that the maximum period of service should in no case exceed eighteen months—that is, the original contract was not to extend beyond twelve months, and re-engagement was to be permitted for an additional six months, instead of for a year, as provided in the 1909

[1] The convention was drawn up in three languages—English, Portuguese, and Afrikaans. This was the first occasion on which Afrikaans had been used in an international convention.

convention—and that after the expiry of the first nine months' service the sum of 1*s.* a shift (one-half of the estimated contract rate of pay) should be retained by the mines and paid to the natives after their return to Mozambique.

In Part II (Ports and Railways) the Union Government undertook to secure to the Port and Railways of Lourenço Marques from 50 to 55 per cent. of the total tonnage of commercial sea-borne goods traffic imported into the 'competitive area' (defined as 'the area bounded by lines drawn between the goods traffic stations serving Pretoria, Springs, Vereeniging, Klerksdorp, Weverdiend, Krugersdorp, and Pretoria') (Art. 32). An Advisory Board was to be established by the Government of Mozambique 'to consider and advise as to the best means of furthering the export of traffic[1] from that portion of the Union naturally served by the Port of Lourenço Marques', and the Union Government were to be invited to nominate three members of this Board (Art. 40). In regard to the question of railway communications across Swaziland, the Union Government undertook that if Swaziland should ever become part of the Union, they would consider the possibility of constructing a railway line to connect with the existing line from Lourenço Marques (Art 42).

Part III (Customs and Commercial Intercourse) provided that products of the two countries should, generally speaking, enjoy reciprocal most-favoured-nation treatment (with reservations relating to special privileges accorded by the Union to British goods and by Mozambique to Portuguese goods), and that goods of any origin in transit through either country and destined for the other should be free of transit and re-export duties. The two Governments mutually undertook not to impede trade by imposing special restrictions on imports or exports. In two attached schedules goods were specified which might be imported free of all duty into the Union from Mozambique and vice versa. It may be noted that the list of duty-free imports from Mozambique did not include sugar.

The convention was to be valid for ten years from the date of signature,[2] and was to remain in force thereafter subject to twelve months' notice of termination. It might, however, be terminated if, at the end of five years, either Government had called for a revision of its terms, and agreement had not been reached on such revision.

[1] *Sic.* The Portuguese text has 'exportação dos productos oriundos da parte da União . . .'

[2] The provisions of two articles in Part III were not to come into force until ratification had taken place. Ratifications were exchanged in Lisbon at the beginning of October 1929.

Any dispute relative to the interpretation or carrying out of the convention was to be submitted to arbitration.[1]

(vi) The Administration of the Mandate for South-West Africa.

In the *Survey for 1920–3*, some account has been given of the situation in the former German colony of South-West Africa at the time when it was assigned as a Mandate to the Union of South Africa; of the arrangements subsequently made in regard to the naturalization, as British subjects, of the German nationals in the territory; of the relations between the White, Black, and Coloured elements in the population; of the rising of the Bondelzwarts in 1922; and of the inquiries into this unhappy affair which were instituted by the Mandatory Power and by the Permanent Mandates Commission of the League of Nations. Before continuing the record it may be well to repeat that, in this territory with a mixed population and with a productivity that was somewhat narrowly limited by climatic conditions, the Mandatory Authorities were confronted with an extremely difficult task.

(*a*) The Status and Attitude of the German and South-African Elements in the White Population of the Territory.

As regarded the status of German nationals, the Bill introduced, with the cognizance of the League Council, into the Union Parliament on the 1st January, 1924,[2] was duly passed and came into effect on the 15th September of the same year. Under this Act, German nationals domiciled in the territory 'on the 1st day of January, 1924, or at any time thereafter before the commencement of this Act', were to be deemed to have become British subjects unless, within six

[1] Between January and April 1925 a Mixed Commission of three Portuguese and two British members was engaged in demarcating the boundary between Mozambique and Swaziland. The Commission's final report was signed on the 8th April, 1925. On the 18th February, 1926, a second Commission, composed of the same three Portuguese members and two delegates appointed by the Government of the Union of South Africa, completed the demarcation of the section of the boundary between Mozambique and the Union of South Africa lying between a point a few kilometres north of the Singwetsi River and the junction of the Limpopo and Pafuri Rivers. The boundaries thus demarcated were accepted by the Governments concerned on the 6th October, 1927, by the exchange of two sets of notes. The texts of the reports of the two commissions and of the notes approving them were published as the British Parliamentary Papers *Cmd.* 3066 of 1928 (boundary between Swaziland and Mozambique) and *Cmd.* 3070 of 1928 (boundary between the Union of South Africa and Mozambique).

[2] *Survey for 1920–3*, p. 399.

months after the commencement of the Act, they specifically declared that they desired to be excepted. When the six months ran out, on the 14th March, 1925, it appeared that only about 250[1] of the persons affected had declined naturalization and that over 2,900 had automatically become naturalized.[2] This result opened the way for action to be taken on an announcement, which had been made in the Union Parliament by the South-African Prime Minister, General Hertzog, in September 1924, that a Constitution would be granted to the people (i.e. the White population) of the territory.[3] A South-West Africa Constitution Act was duly passed by the Union Parliament and came into effect on the 5th August, 1925.

This Constitution,[4] the main lines of which appear to have been drawn by General Hertzog himself, provided for a Legislative Assembly of eighteen members, twelve to be elected by the White population of the territory on a basis of manhood suffrage, and six to be nominated by the Administrator subject to the approval of the Governor-General in Council. As in the Government of India Act, 1919, the Assembly's field of action was limited by the reservation of certain subjects, which, in the South-West African Constitution, were divided into two classes: subjects reserved absolutely and subjects reserved temporarily. The first on the list of subjects reserved absolutely was Native Affairs. The executive power was vested in a committee consisting of the Administrator appointed by the Mandatory Power (as chairman with a casting vote) and four members to be elected by the Legislative Assembly. When dealing with the reserved subjects, the Administrator was to be assisted by an Advisory Council consisting of the four elected members of the Executive Committee together with four other persons to be appointed by the Administrator himself—one of whom was to be chosen for his special knowledge of native affairs.[5]

It may be noted that out of a total population of 258,905, as estimated in 1926, the Whites numbered only 24,115 and the adult male Whites (who were alone qualified for the franchise) only 8,272.[6]

[1] The definitive figure appears to have been 262.

[2] *Report of the Administrator of South-West Africa for the year 1924* (League of Nations Report C. 452. M. 166. 1925, vi), p. 7.

[3] *Op. cit., pag. cit.*

[4] Text published in a *Gazette Extraordinary* of the Union Government, dated 17th August, 1925.

[5] For appreciations of this Constitution see *The Times*, 19th June and 30th October, 1925.

[6] *Report of the Government of the Union of South Africa on South-West Africa for the year 1926*, pp. 21–2. The figures for the White population were based on a census taken in May 1926.

The number of persons eventually registered on the voters' roll was 6,093.[1] The South Africans were in a slight majority over the voters of German origin; but at the first elections for the Legislative Assembly, which were held on the 25th May, 1926, the Germans won seven seats out of the twelve. The representation of the two White communities in the first Assembly was made equal, however, through the distribution of the six nominations.

As the member of the Advisory Council who was to be nominated for his knowledge of native affairs, the Administrator[2] selected Major C. N. Manning, at that time magistrate of the Rehoboth District.[3]

The voluntary naturalization of the great majority of the German nationals domiciled in the Mandated Territory, and the successful inauguration of the Constitution, were symptoms of a rapid reconciliation between the two White nationalities which was creditable not only to these communities themselves but to the Mandatory Power. During the three years' existence of the first Legislative Assembly,[4] the two groups of representatives appear to have worked well together on the whole. The chief points of difference which arose between them related to the use of German in the schools and to the immediate grant of the franchise to German immigrants.[5] Their views also diverged to some extent on the question of the future status of the territory. It was evident that a powerful factor in bringing the two communities together was their common consciousness that, even with their united forces, they constituted only a small minority (less

[1] *Op. cit.*, p. 4.

[2] Mr. G. R. Hofmeyr, who had held office as Administrator for five and a half years, had retired on the 31st March, 1926, and had been succeeded on the 1st April by Mr. A. J. Werth, a member of the Union Parliament.

[3] See below, p. 259. For Major Manning's part in the events preceding the Bondelzwarts Rising of 1922, see the *Survey for 1920–3*, pp. 406–8.

[4] The elections for the second Legislative Assembly, which were held on the 3rd July, 1929, resulted in the return of only four members of the German Party.

[5] The great majority of the overseas immigrants into South-West Africa were of German nationality. The figures for persons arriving by sea during each of the years 1923–8 were as follows (the figures are taken from the Mandatory Power's reports on South-West Africa for the years 1925, 1926, 1927, and 1928).

	1923	*1924*	*1925*	*1926*	*1927*	*1928*
Germans .	456	722	1142	1351	1131	1245
Non-Germans .	130	171	147	160	240	190
Total arrivals .	586	893	1289	1511	1371	1435

In view of the high proportion of Germans among the immigrants, the question of the period which a settler must spend in the country before being enfranchised was of considerable practical importance.

than 10 per cent.) of the total population of the territory; and the natural tendency of a minority to seek solidarity with its own kind[1] made it appear probable that, sooner or later, a demand would be made for the admission of South-West Africa into the Union of South Africa as a fifth province. As time went on, the non-German elements in the White population became more and more inclined towards the policy of closer co-operation with the Union (though no actual demand for federation appears to have been formulated), whereas the German representatives in the Legislative Assembly stood for the continuance of the Mandate—in view of the fact that the return of the territory to Germany did not come within the range of practical politics. In the early months of 1927, however, the question of the possible return of South-West Africa to Germany at some future date came sufficiently to the front to induce the non-German party in the Legislative Assembly to introduce a resolution expressing formal disapproval of the idea of any restoration of the Mandated Territory to Germany. When this resolution was put to the vote the German members left the Assembly, and the resolution was carried in their absence. In commenting on this incident in the South African Parliament on the 7th June, 1927, General Hertzog denied that there was any agitation in South-West Africa for the return of the territory to Germany and declared that the general spirit and temper of various sections of the community were very satisfactory.

(*b*) The Question of Sovereignty.

In the meantime, certain (unofficial) pronouncements in favour of the admission of South-West Africa into the Union which had been made in South Africa had given rise to discussions in the Permanent Mandates Commission during their sixth and ninth sessions (26th June–10th July, 1925, and 8th–25th June, 1926). During the sixth session one member of the Commission, Monsieur Rappard, submitted that, 'if the Government of South Africa established an entirely responsible Government in South-West Africa, a difficulty of principle would arise, since the Mandatory Power would no longer be responsible for the administration, for which it was accountable to the League of Nations'. The accredited representative of the Mandatory Power, Mr. Smit, stated that 'when South-West Africa has a responsible Government, that Government might probably be invited to join the Union'. He declared that 'the inclusion of South-West

[1] For the somewhat similar psychology of Muslim communities in British India and in other parts of the 'scattered fringe' of the Islamic World, see the *Survey for 1925*, vol. i, p. 16.

Africa in the Union could only come about as the result of a treaty between South-West Africa, as an independent Government, and the Government of the Union'. Another member of the Commission, Sir Frederick Lugard, suggested that 'it would be for the Union of South Africa to declare whether it wished to grant complete independence to South-West Africa. If complete independence were granted the Mandate would naturally lapse.' Monsieur Rappard, while not dissenting from Sir Frederick Lugard's interpretation of the Covenant, submitted 'that it was not for the White minority in a mandated territory to declare when' the moment for independence had arrived. 'The Mandate system was designed to secure the welfare of the natives, and this was the object which the authors of the system had kept in view. The question to be decided was whether the native population was sufficiently advanced to be able to stand alone and to dispense with the guarantees afforded by the system of Mandates. . . . It would be contrary to the spirit of' the system 'if, upon the demand of some ten thousand White settlers, a mandated territory were, in fact, to be incorporated with the territory of the Mandatory Power.' During the ninth session of the Commission, Monsieur Rappard re-affirmed his opinion on this matter, while Mr. Smit pointed out that, under the new Constitution of South-West Africa, native affairs were a reserved subject, and that the delegation of powers in respect of certain other matters in no way affected the position of the Mandatory Power *vis-à-vis* the League of Nations.

The question of the juridical status of the Mandated Territory was raised again, in a different form, by a passage in the preamble to the agreement of the 22nd June, 1926, between the Mandatory Power and Portugal regarding the boundary between the Mandated Territory and the Portuguese colony of Angola.[1] The passage ran as follows:

> And whereas under a Mandate issued by the Council of the League of Nations in pursuance of Article 22 of the Treaty of Versailles, the Government of the Union of South Africa, subject to the terms of the said Mandate, possesses sovereignty over the Territory of South-West Africa (hereinafter referred to as the Territory) lately under the sovereignty of Germany . . .

The Permanent Mandates Commission discussed the juridical import of this text during their tenth session (4th–19th November, 1926) and reported,[2] after reciting the procedure by which the Mandate had been conferred, that:

> Under the circumstances, the Commission doubts whether such an

[1] See Section (viii) of this part.
[2] *Minutes* of the tenth session, p. 182.

expression as 'possesses sovereignty', used in the preamble to the above-mentioned Agreement, even when limited by such a phrase as that used in the above-quoted passage, can be held to define correctly, having regard to the terms of the Covenant, the relations existing between the Mandatory Power and the territory placed under its Mandate.

On the 7th March, 1927, the Council of the League instructed the Secretary-General that this passage from the report of the Commission should be forwarded to the South African Government for their information.

On the 11th March, 1927, the Prime Minister of the Union, General Hertzog, made the following declaration in the Union Parliament:

I would refer the honourable member to the decision of the Supreme Court of South Africa (Appellate Division) in the case of Rex *v.* Christian,[1] A.D. 1924, at page 122, wherein it was laid down that 'the majestas or sovereignty over South-West Africa resides neither in the Principal Allied and Associated Powers, nor in the League of Nations, nor in the British Empire, but in the Government of the Union of South Africa, which has full powers of administration and legislation (only limited in certain definite respects by the Mandate)'. The Government of the Union entirely adheres to this decision.[2]

During their eleventh session (20th June–6th July, 1927) the Permanent Mandates Commission considered this statement and found that the accredited representative of the Mandatory Power was not prepared to give the opinion of the Government of the Union of South Africa as to the exact meaning which was to be attributed to the expressions contained in it and in the preamble to the agreement of 1926 referred to above. Accordingly the Commission, in their report, put on record the hope that the Union Government would explain whether, in their view, the term 'possesses sovereignty' expressed only the right to exercise full powers of administration and legislation in the territory of South-West Africa under the terms of the Mandate and subject to its provisions and to those of Article 22 of the Covenant, or whether it implied that the Government of the Union regarded themselves as being sovereign over the territory itself. At the same time, the Commission again brought the question to the attention of the Council of the League of Nations.

When the action taken by the Commission on this occasion became known in South Africa, there was some criticism in the South African

[1] For the history of the Bondelzwarts Affair, out of which this trial arose, see the *Survey for 1920–3*, Part V, Section (iv).

[2] It would seem necessary to compare this text—an extract from the conclusions of Judge de Villiers—with his reasoning and with the opinions given by the other judges in the same case, which do not seem to have so wide a significance.

Press of the Prime Minister's statement of the previous March, on the two-fold ground, first, that the de Villiers judgement was not the decision of a court which had acquired the force of law, but the dictum of a particular judge, with which his colleagues on the bench had not entirely concurred; and, secondly, that it was not politic for the Mandatory Power to force the issue on this question of sovereignty when it was apparent that the Permanent Mandates Commission, on their side, had no desire to create difficulties.[1]

When the Permanent Mandates Commission's report on the work of their eleventh session came before the Council of the League, the Council, on the 8th September, 1927, adopted a report thereon which had been drafted by Monsieur Beelaerts van Blokland (Netherlands); and in this report by the Netherlands representative the following passage occurred:

> As regards territories under 'C' Mandate, the Commission desired further information concerning the views of the Government of the Union of South Africa on the question of its legal relationship to the mandated territory of South-West Africa. This question was raised previously in the report of the Commission on its tenth session, and in March last[2] the Council decided that it should not express any opinion on the difficult point as to where sovereignty over a mandated territory resides, but that the Secretary-General should simply be instructed to forward the relevant passage of the Mandates Commission's report for the information of the Mandatory Power concerned. The Commission considers, however, that on one aspect of this question, namely, the legal relationship between the Mandatory Power and the mandated territory, certain expressions used by the Government of the Union might lead to misunderstandings, and has therefore again brought the matter to the attention of the Council. I appreciate the scrupulous care with which the Mandates Commission has continued its efforts to remove any doubts on a point of this importance.
>
> It seems to me that, from all practical points of view, the situation is quite clear. The Covenant, as well as other articles of the Treaty of Versailles, the Mandates themselves, and the decisions already adopted by the Council on such points as the national status of the native inhabitants of mandated territories, the extension to mandated territories of international conventions which were applicable to the neighbouring colonies of the Mandatory Powers, the question of loans and the investment of public and private capital in mandated territories, and that of State lands formerly belonging to the German Government, all have had their part in determining or in giving precision to the legal relationship between the Mandatories and the territories under their Mandate. This relationship, to my mind, is clearly a new one in international law, and

[1] See the quotations from *The Cape Times* and *The Cape Argus* in *The Times*, (London), 13th August, 1927.

[2] See *League of Nations Official Journal*, April 1927, p. 347.

for this reason the use of some of the time-honoured terminology in the same way as previously is perhaps sometimes inappropriate to the new conditions.

Under these circumstances, the situation seems clear, except perhaps from the formal point of view. As the Union Government, through the letter of its High Commissioner in London of May 23rd last, which has been communicated to the Council, reserved the right to express its views on the matter, this most recent observation of the Commission should be communicated to the Mandatory Power in the usual way, so that it may add any further comment on the point that it might desire to communicate to the Council.

The importance of Monsieur Beelaerts van Blokland's report was emphasized by Dr. Nansen in a debate in the Sixth Committee of the League Assembly on the 16th September, 1927, and by the Chairman of the Permanent Mandates Commission at the first meeting of the Commission's twelfth session on the 24th October of the same year.

Monsieur Beelaerts van Blokland's report was duly forwarded to the Government of the Union of South Africa, and on the 10th February, 1928, the Government replied that they had noted the observations and had 'no comment to offer'. Therewith, the Union Government appear to have considered that the matter was closed; but the Mandates Commission took a different view, and they continued to display anxiety on the subject of the Union Government's attitude towards the question of sovereignty and the legal relations between the Mandatory Power and the Mandated Territory.

On the 30th October, 1928, during the Commission's fourteenth session, the chairman (Marquis Theodoli) drew the attention of the Union Government's accredited representative (Mr. A. G. Werth, the Administrator of South-West Africa) to the press reports of a speech made by Mr. Tielman Roos, the Union Minister of Justice. Mr. Roos was alleged to have referred to the possibility that South-West Africa would shortly be incorporated in the Union and to have expressed the belief that the Mandatory Power would be favourable to a measure of that kind. Mr. Werth communicated with the Union Government in regard to the alleged statement, and on the following day he was able to inform the Commission that the press reports of the speech had been inaccurate. In replying to a question as to the attitude of the Union Government towards the restoration of South-West Africa to Germany, Mr. Roos had expressed his personal opinion that it was more probable that the Mandated Territory would ultimately be incorporated in the Union, 'in case the majority of the population desired it'. The Commission accepted the explanation, but the Chairman made a reservation with regard to the words quoted above

and added that 'the Permanent Mandates Commission could not be accused of hypercriticism if, in connexion with a question of such importance, it had been struck by this declaration and by the words employed.'

During their fourteenth session, the Commission also had under consideration a cognate matter which had occupied them at intervals since 1923. By the South-West African Railways and Harbours Act (No. 20) of 1922, the ownership of the railways in the Mandated Territory had been vested in the Union Government in 'full dominion', and the exact meaning of this phrase had been questioned by the Commission on several occasions.[1] Mr. Werth now explained that the wording of the 1922 Act was a matter of convenience and not of principle. The sole concern of the Union Government was to administer the railways in the best interests of the Mandated Territory, but in order to do this it was necessary for them, under Roman-Dutch law, to have full rights of ownership.[2] The Union Government had no intention of claiming permanent possession of the railways, and if the mandatory relationship should be terminated the ownership of the railways would revert to South-West Africa. In their report on their fourteenth session the Mandates Commission expressed the hope that the Mandatory Power would now

> find it possible to amend the South-West Africa Railways and Harbours Act (No. 20) of 1922, in order to bring the legal régime of the railways and harbours into conformity with the principles of the Mandate and the Treaty of Versailles and the decision adopted by the Council of the League on the 9th June, 1926.[3]

At the fifteenth session of the Mandates Commission (1st to 19th July, 1929), the accredited representatives (Mr. G. H. Louw, High

[1] During their third Session (20th July to 10th August, 1923); their fourth session (24th June to 8th July, 1924); their sixth session (26th June to 10th July, 1925); and their ninth session (8th to 25th June, 1926).

[2] Mr. Werth said that, without the full rights conferred by the 1922 Act, it would be, for instance, impossible for the Mandatory Power to replace light rails by heavy rails or to sell old stock no longer required.

[3] i.e. a resolution in which the Council had endorsed the following definition of the legal relations between the Mandatory Power and public property in a Mandated Territory, which had been adopted by the Commission during their fourth session:

> The Mandatory Powers do not possess, in virtue of Articles 120 and 257 (par. 2) of the Treaty of Versailles, any right over any part of the territory under Mandate other than that resulting from their having been entrusted with the administration of the territory. . . . If any legislative enactment relating to land tenure should lead to conclusions contrary to these principles, it would be desirable that the text should be modified in order not to allow of any doubt.

Commissioner for the Union in London, and Mr. H. P. Smit, Secretary of the Administration of South-West Africa) were asked whether the Union had yet given effect to the Commission's recommendations for the amendment of the Railway Act of 1922. Mr. Louw replied that the matter presented legal difficulties, and that the Government's legal advisers were considering how the Commission's wishes could be met.[1]

The general question of the legal relations between the Union Government and the Mandated Territory was also reopened during the fifteenth session, but on this point the accredited representatives were not prepared with an answer. The Vice-Chairman of the Commission, Monsieur Van Rees, pointed out that only an 'enigmatic reply'[2] had been received to the request put forward in the report on the Mandates Commission's eleventh session[3] for an expression of the Union Government's views as to the meaning of the term 'possessing sovereignty'. Monsieur van Rees could not understand the Mandatory Power's failure to give the explanation desired; and he added that the members of the Commission were not now occupied with the theoretical problem of deciding where the sovereignty of the Mandated Territory resided, but that they simply wished to know 'the meaning which the Union Government attributed to a term which it employed and which might lead to confusion'. Both the accredited representatives declared themselves unable to make any statement on a matter which they had not expected to be raised, and Mr. Smit added that in his opinion the Union Government had been entitled to consider the question closed, since no dissatisfaction had been expressed hitherto with their note of the 10th February, 1928.

The Mandates Commission made the following observations in their report on their fifteenth session:

> The Permanent Mandates Commission notes with regret that, in spite of all its previous discussions on this subject and all the correspondence exchanged between the Council of the League of Nations and the Government of the Union of South Africa in 1927 and 1928, it has never received an explicit answer to its repeated question on the meaning attached by that Government to the term 'full sovereignty' used to

[1] In January 1930 a Bill was introduced into the Union Parliament which provided that the railways and harbours of South-West Africa and 'any rights thereto which were transferred to and vested in the Governor-General of the Union in terms of section one' of the Railways and Harbours Act of 1922, should be held by the Governor-General, notwithstanding anything contained in the 1922 Act, 'subject to the Mandate issued by the Council of the League of Nations'.

[2] Presumably Monsieur van Rees was referring to the Union Government's note of the 10th February, 1928, which has been mentioned above (p. 250).

[3] See p. 248, above.

define the legal relations existing between the Mandatory Power and the territory under its Mandate.

That question may be formulated as follows: In the official view of the Government of the Union of South Africa, does the term 'possess sovereignty' express only the right to exercise full powers of administration and legislation in the territory of South-West Africa under the terms of the Mandate and subject to its provisions and to those of Article 22 of the Covenant, or does it imply that the Government of the Union regards itself as being sovereign over the territory itself?

As long as no clear reply to this question is received the Commission fears that a regrettable misunderstanding will subsist, which it therefore hopes the Council may succeed in finally clearing up.

In a letter of the 23rd July, 1929, commenting on this passage, Mr. Louw pointed out that, in view of the terms of the report adopted by the Council on the 8th September, 1927, there had been no obligation upon the Government of the Mandatory Power to express any views on the report when it was submitted to them and that there was therefore no justification for the suggestion that the Government had been remiss in not supplying information desired by the Commission. Mr. Louw's observations on this point were endorsed by the Council of the League when it considered the report of the Mandates Commission on the 6th September, 1929, but, 'having regard to the arguments advanced by the Commission with a view to clearing up the question', the Council decided to draw the attention of the South African Government to the observations submitted by the Commission.

(*c*) The Rising of the Rehoboth Bastards (1925).

Perhaps the most difficult problems in the administration of the Mandate for South-West Africa were presented by the Coloured[1] elements in the population. The history of the Bondelzwarts Rising in 1922 has been recorded in the *Survey for 1920–3*. In the present volume there falls to be recorded the rising of the Rehoboth Bastards in 1925. In this case, happily, the Mandatory Authorities—profiting, no doubt, by their experience with the Bondels and by the criticisms which had been evoked by their handling of that affair—succeeded in meeting the emergency without bloodshed.

[1] In South Africa 'Coloured People' was a technical term generally used for the descendants of the old slaves (who were not South-African aborigines but mostly Malays); but it also covered half-castes, that is, the descendants of unions between the old slaves and the aboriginal population or between slaves (or natives) and White settlers. The non-White strains in this coloured population were very varied—ranging, as they did, from Hottentots and other native African stocks to Malays and other imported Orientals. For their origin see the *de Villiers Report* (cited below), pp. 17–18.

In the *Survey for 1920–3*[1] it has been mentioned that the Rehoboth Bastards were a community of Dutch-Hottentot half-breeds who had trekked from Cape Colony between the years 1868 and 1871 and had founded a miniature independent commonwealth in what was at that time virtually a no-man's-land,[2] but had afterwards concluded a series of treaties (from 1885 onwards)[3] with the Germans on terms which left the community in enjoyment of its internal autonomy.[4] Under these treaties, the Bastards had fought for the Germans in their native wars;[5] but they had refused to fight against the Union forces in 1915, on the ground that this time they were being asked to take part in a White Man's war. Thereupon the Germans had declared that the treaty of 1885 was broken,[6] while on the other side General Botha had promised the Rehoboths 'that, if they remained quiet, he would restore to them the rights which they had enjoyed in 1915.[7] No official record was taken of this promise; but in 1921, when Mr. Hofmeyr visited the tribe, he was informed of the undertaking and he assured the Bastards that it would be honoured.'[8]

In the meantime, the Bastards themselves, having witnessed the overthrow of the Germans and having possibly overestimated the degree to which their own conduct had contributed to the success of the Union arms, had begun to entertain greater expectations. They now aspired not merely to recover their previous political status but to improve upon it,[9] and they formulated this aspiration in a draft

[1] *Survey for 1920–3*, p. 401. For a fuller account of the antecedents of the Rehoboth Bastards see Mr. Hofmeyr's statement in the *Minutes* of the fourth session of the Permanent Mandates Commission (24th June–8th July, 1924), p. 81. For the whole history of the Rehoboth community, see the very fully documented report of the de Villiers Commission (Union Government Parliamentary Paper 41–'26: Cape Town 1927, *Cape Times*, Limited). [Bibliography on pp. 108–11.]

[2] See the *de Villiers Report*, pp. 30, *seqq.*

[3] For the text of the treaty of the 15th September, 1885, see *op. cit.*, pp. 98–9 and 186–7. (For an analysis of its purport, see *op. cit.*, pp. 57–8.)

[4] For the constitutional and other legislation of 1872 and 1874 see the texts printed in the *de Villiers Report*, pp. 79–91 and 152–64.

[5] For the text of the agreement of the 26th July, 1895, regarding military service, see *op. cit.*, pp. 188–9.

[6] Text of the German Governor's letter of the 22nd April, 1915, in the *de Villiers Report*, p. 199.

[7] 'General Botha does not think we should do anything to diminish their independence or status recognized by the German Administration.' (Instruction, dated the 9th June, 1916, from the Union Secretary for Defence, quoted in the *de Villiers Report*, p. 199. See further Mr. D. W. Drew's discussion of the point in *op. cit.*, pp. 226–8.)

[8] Mr. Hofmeyr's statement in the *Minutes* of the fourth session of the Permanent Mandates Commission.

[9] In an interview of the 5th February, 1919, with the Governor-General of South Africa, a deputation of the Bastards expressed a desire that their terri-

treaty[1] with the King of England, in which they proposed that the initiative in local legislation and taxation should be exclusively in the hands of the Raad, but that the principal local administrative services should be in the hands of a British Commissioner or Magistrate, and that the sum required by him should be a first charge on the local revenue. They were prepared to accept the general legislation applicable to other parts of South-West Africa in respect of public health and of veterinary and agricultural administration, and to allow extra-territorial privileges to non-burgher residents in their territory. 'His Majesty', they proposed, 'shall through the medium of his Resident Magistrate administer all the services, personnel, and institutions referred to in this chapter; but, in so far as it is consistent with efficient administration, it shall be his first aim to fill the legislative and later the administrative posts with burghers of the Rehoboth Territory, with the exception of the Resident Magistrate. The burghers of Rehoboth are desirous of maintaining adequate machinery for the administration of their territory on a civilized basis, but they desire likewise that it should be maintained in proportion to the economy and resources of the inhabitants.'

The aspirations formulated in this draft were eminently in accord with the concept of Mandates as set forth in the Covenant of the League of Nations. At the same time, a treaty on such lines would have erected Rehoboth into a special enclave exempted from the ordinary régime of the Mandated Territory of South-West Africa; and for this reason the Mandatory Authorities regarded the fulfilment of the Bastards' aspirations as being out of the question.[2] The Adminis-

tory should become a protectorate of the British Imperial Government with the same status as Basutoland. The Governor-General told the deputation that, in his opinion, the whole of South-West Africa was likely to be placed under the control of the Union Government (text of minute in the *de Villiers Report*, pp. 145–6 and pp. 296–8).

[1] Text in the *de Villiers Report*, pp. 294–6. The draft was submitted to the Administrator of South-West Africa on the 25th March, 1920. It appears to have been drawn up by the Raad with the assistance of Mr. Dewdney W. Drew (statement by Mr. Drew in the *de Villiers Report*, p. 209). The Mandatory Administration submitted that Mr. Drew instilled into the Bastards' minds expectations which they would never have entertained but for his suggestion (see the 'Reply by the Secretary for South-West Africa to Mr. Dewdney Drew's Memorandum' in the *de Villiers Report*, especially pp. 249–50, together with Annexures E to M).

[2] Mr. Hofmeyr, however, was hardly correct in his statement that, in the draft treaty, the Bastards 'undertook to make themselves responsible for their own government and administration independently of the White Man'. (*op. cit.*, *loc. cit.*) He was on stronger ground in arguing (the *de Villiers Report*, p. 268) that their political aspirations were not compatible with the terms of a Mandate of the 'C' class.

trator refrained, however, from forcing the issue. He gave instructions 'that the ordinary laws and regulations should practically be suspended pending the negotiation of a new agreement';[1] and meanwhile 'the pre-existing constitutional position of the Rehoboth Community and the powers possessed by the Raad thereunder[2] were recognized'.[3] In the course of long negotiations, beginning in June 1922,[4] an agreement was eventually drawn up which the Kapitein and the Raad decided to sign, 'as they were entitled to do under the Constitution of the Community . . . despite the opposition of a strong section of the people who apparently aspired to complete independence'.[5]

This agreement,[6] which was signed at Windhoek on the 17th August, 1923, and was put into operation by a proclamation[7] of the Administrator published on the 2nd October, 1923, 'provided for consultation with the Administration in regard to the application to the Rehoboth territory of the laws in force in South-West Africa. It was also provided that the Rehoboths might pay a fixed tax in a lump sum to be determined in consultation with their Council if and when taxation were imposed, in order that it might not be necessary for tax collectors to work within their boundaries'.[8] In case any difference of opinion over the agreement were to arise between the Administrator of the Mandated Territory and the Rehoboth Raad, the Raad was to have the right to petition the Union Parliament, either directly or through the Prime Minister. The boundaries of the Rehoboth territory, as laid down in the first schedule attached to the agreement, were to be those assigned to the territory by the German authorities between 1894 and 1909, save for lands which the Bastards themselves

[1] *Op. cit., loc. cit.*

[2] Under the German régime, the captaincy of the community had been abolished, and the government vested in 'the German Government in conjunction with the Raad', in virtue of a letter addressed to the community on the 30th January, 1906, by the German district magistrate at Rehoboth (text in the *de Villiers Report*, pp. 91–2).

[3] *Report of the Administrator of South-West Africa for the Year 1923* (U.G. 21, 1924), p. 6.

[4] Minutes of the final conference, held at Windhoek on the 16th–20th July, 1923, in the *de Villiers Report*, pp. 253–92.

[5] *Report of the Administrator of South-West Africa for the year 1923*, p. 6. It would appear, however, from the minutes of the Windhoek Conference of the 16th–20th July, 1923, that the real crux was not the constitutional but the territorial question.

[6] Text in the *de Villiers Report*, pp. 100–7. Texts of letters exchanged regarding confirmation in *op. cit.*, pp. 148–9 and 298–9.

[7] No. 28 of 1923. Text in the *de Villiers Report*, p. 100.

[8] Statement by Mr. Hofmeyr in the *Minutes* of the fourth session of the Permanent Mandates Commission, p. 81.

had subsequently sold or otherwise disposed of. These apparently amounted to more than a quarter of the whole area assigned in 1909.[1] The Administration, however, offered, on condition[2] that the Bastards accepted the boundaries laid down in the new agreement without any reservation in respect of old claims to tracts outside the boundaries of 1909, to repurchase certain farms, amounting to about one-sixth of the total area alienated since 1909 (i.e. 77,000 hectares out of 451,700), and to restore these farms to the Bastards as a free gift;[3] and safeguards against fresh alienations of land in the future were included in the agreement itself. At the same time, branding irons were offered to the Bastards free of charge, provided that they accepted the branding regulations.[4]

These terms were relatively liberal, compared to those accorded by the Mandatory Administration to other Coloured and Native com-

[1] See the *de Villiers Report*, p. 64.

[2] See the minutes of the Windhoek Conference of the 16th–20th July, 1923, in the *de Villiers Report*, pp. 289 *seqq*.

[3] For details of this offer and the subsequent transactions, see the *de Villiers Report*, pp. 67–9. A boundary commission, to inquire into claims preferred by the Bastard Raad to certain land which they alleged to have been taken from them unlawfully by the German Government, had been appointed by the Administrator on the 9th February, 1922, and had presented a majority and a minority report on the 13th and the 16th May, 1922, respectively. (Documents reprinted in the *de Villiers Report*, pp. 165–82.) The Bastards alleged that the demarcation of their territory by the Germans, between 1894 and 1909, had unjustly deprived them of large tracts to which they claimed to have acquired good title by original purchase from the former native owners before the Germans had arrived in South-West Africa. (See the maps inserted in the *de Villiers Report*, opposite pp. 98 and 200). In 1915, at the moment when the military power of the Germans in South-West Africa was broken by the Union forces, these tracts (little part of which had been colonized with White settlers under the German régime) had been occupied by the armed forces of the Bastards; but the South African authorities had compelled the Bastards to evacuate them again, and the majority of the Commission of 1922 had found that the claim of the Bastards to these tracts was 'impracticable and should not be entertained'. (For criticisms on the findings of the Commission, by Mr. D. W. Drew, see the *de Villiers Report*, p. 229.) Mr. Hofmeyr declined to reopen the question at the Conference of July 1923, and these tracts were distributed by the Mandatory Administration among White settlers (statement by Mr. D. W. Drew in the *de Villiers Report*, p. 233). The Administration contended that in the Rehoboth Territory, as delimited in 1923, there was room for many more than the existing number of Bastard burghers and their families, and that it was not reasonable to reopen questions of alleged misappropriations of land by the Germans which dated nearly thirty years back. (Reply by the Secretary for South-West Africa to Mr. Dewdney Drew's Memorandum, in the *de Villiers Report*, pp. 250–1.)

[4] The branding of all cattle, including those owned by natives, had been made compulsory by a proclamation issued in 1921; and all owners of stock were obliged to purchase branding-irons at thirty shillings each. (See the *Survey for 1920–3*, p. 407.)

munities in the Mandated Territory. On the other hand, they were far from satisfying either the constitutional or the territorial aspirations of the Rehoboths and they do not appear to have been imposed without some pressure. Accordingly, notwithstanding the subsequent efforts of the Administrator, who sought to win the confidence of the Bastards by paying a personal visit to Rehoboth in order to explain the attitude of the Mandatory Power, the opposition to the agreement grew in strength until it broke out in unconstitutional action. In January 1924 the party hostile to the agreement prevented the regular annual elections for the Raad from being held, and in April they declared the old Raad deposed and elected a new Raad by an irregular procedure. This seizure of authority in Rehoboth by a body openly hostile to the agreement placed the Administrator of the Mandated Territory in a difficult position, 'as this agreement was strongly opposed by a strong body of public opinion among the Whites, and the results of its rejection by the natives [i.e. the Bastards] would leave them with nothing, which would clearly be prejudicial to their interests'.[1] The Administrator disallowed the irregular election and caused a new election to be held on the 16th June, 1924; but only about 16 per cent. of the Rehoboth burghers voted, and the old Raad, which was re-elected by this minority vote, found itself practically impotent against the new Raad, which remained in being and which 'represented the majority of the community'.[2] Both the Administrator of South-West Africa and the Prime Minister of the Union of South Africa made repeated attempts to settle the dispute on conciliatory lines. The Prime Minister not only received a deputation of the new Raad at Capetown,[3] but himself visited Rehoboth and inter-

[1] Statement by Mr. Hofmeyr in the *Minutes* of the fourth session of the Permanent Mandates Commission, p. 81. This consideration had been placed by Mr. Hofmeyr before the representatives of the Bastards during the Windhoek Conference of the 16th–20th July, 1923 (see the minutes in the *de Villiers Report*, p. 289).

[2] *Report of the Administrator of South-West Africa for the year 1924* (League of Nations Paper C. 452. M. 166. 1925. VI), p. 10.

[3] On this occasion General Hertzog undertook, if a fresh election were unacceptable, to recommend to the Union Government the recognition of the new Raad 'provided they sent him written proof that the majority of the burghers desired this to be done and provided the old Raad resigned. It was made clear that the Rehoboth Agreement should meantime remain of full force and effect, but that if and when the new Raad was recognized . . . they might, if they so desired, raise the question and the Government would hear and consider their representations as to how far amendment of the agreement might be necessary and desirable'. The deputation accepted these conditions and received a statement of them in writing, but, upon their return to Rehoboth, the new Raad appear to have misrepresented the situation to their fellow burghers and to have failed to carry out their part of the bargain.

viewed all parties there on the 3rd November, 1924. On the 13th November, 1924, certain members of the Rehoboth Community addressed a petition to the Permanent Mandates Commission; and this petition was considered by the Commission during their sixth session (26th June–10th July, 1925); but, on the report of Sir Frederick Lugard,[1] the Commission recommended 'that the petitioners should adopt the course proposed by the Administrator, i.e. they should regularize their constitutional position by a proper election and then, if they so desire, accept his proposal to discuss the agreement'.

Before this recommendation was drafted at Geneva, the trouble at Rehoboth had come to a head. On the 1st December, 1924, the new Raad addressed to the local Magistrate of the Mandatory Administration a letter[2] which was tantamount to a declaration of independence. The Administrator replied by sending a strong police patrol to visit the Rehoboth territory on the 6th December, and by issuing a proclamation[3] which 'preserved the constitution of the Community and the laws framed thereunder, but temporarily dispensed with the Kapitein and Raad and the courts of the Community and transferred the powers vested in them to the Magistrate and his court'[4]—with severe penalties against any one attempting to usurp the Magistrate's powers. This proclamation came into operation on the 16th December, 1924, and the Magistrate duly entered upon his duties; but in January 1925, in defiance of the proclamation, another election for the Raad was held under the auspices of the extremist party.

The most serious feature of the situation, from the point of view of the Mandatory Authorities, was the effect of the extremist party's recalcitrance upon the natives.[5] When the police patrol visited the Rehoboth territory in December 1924, the natives domiciled in the territory appear to have taken part in the hostile demonstrations; and it was believed that the position in Rehoboth was being closely watched by the natives throughout the Mandated Territory.[6]

It was perhaps this consideration which moved the Administration

[1] Printed as Annex 8 to the *Minutes* of the sixth session, pp. 167–8. Sir Frederick Lugard expressed the opinion that 'their demand for absolute and complete independence is not justified historically'.

[2] *Report of the Administrator of South-West Africa for the Year 1924*, p. 11; and the *de Villiers Report*, p. 200.

[3] No. 31 of 1924.

[4] *Report of the Administrator of South-West Africa for the Year 1924*, p. 12.

[5] In his report for 1924 (p. 28), the Administrator had already noted that the extremist party among the Bastards were inciting the natives domiciled in the Rehoboth Territory to disregard the Mandatory Administration and that this was having an effect on the natives outside.

[6] *Op. cit.*, p. 14.

at last to force the issue by announcing that prosecutions would be instituted unless the Cattle Branding Law were complied with by the 1st March, 1925. On the 28th March, the police were prevented, by a crowd armed with sticks, from arresting certain Rehoboth burghers who had been summoned for failing to comply with the law in question. Thereupon, 135 police were immediately instructed to concentrate at Rehoboth. An exchange of telegrams,[1] on the 30th and 31st March, 1925, between representatives of the extremist party at Rehoboth and the Administrator of the Mandated Territory (acting on instructions from the South African Prime Minister) at Windhoek, failed to remove the deadlock. Meanwhile, 'about 400 Rehoboth burghers with about 200 Hereros assembled in the village of Rehoboth and openly defied the Administration'; [2] and the Administrator reinforced the police by calling up the Defence Force in the southern districts and obtaining the dispatch of three aeroplanes from the Union Government.

Down to this point the development of events at Rehoboth bore an ominous resemblance to the earlier phases of the Bondelzwarts affair of 1922.[3] It would seem, however, that the Bondels had had greater reason than the Bastards for showing recalcitrance towards the Mandatory Administration, and that the Mandatory Authorities, on their side, had exercised greater patience and shown more understanding in dealing with the Bastards than in dealing with the Bondels. In any case, the Mandatory Authorities deserved credit for the fact that, at Rehoboth, the drama did not, after all, take a tragic turn.

'Rehoboth village was surrounded before daybreak on the 5th April, 1925, which completely surprised the recalcitrants, and an ultimatum was sent to the so-called Kapitein and new Raad demanding surrender within one hour. This was not complied with, and under cover of the aeroplanes the Police and Defence Force entered the village and took a block of buildings occupied by the recalcitrants, who thereupon surrendered, no bloodshed having occurred. Six hundred and thirty-two persons surrendered, made up as follows: Rehoboths, 289; Hereros, 218; Hottentots, 75; and Klip Kaffirs, 50. A large number of rifles, clubs, and sticks were taken from them, the majority of the rifles being loaded; these people were well organized

[1] Texts in *op. cit.*, pp. 13–14.

[2] *Op. cit.*, p. 14. 'The Rehoboth burghers possess modern rifles. Practically all of them underwent military training under the German régime, when they were obliged to furnish a considerable number of men annually for training and service.' (*Op. cit., loc. cit.*)

[3] See the *Survey for 1920–3*, pp. 405 *seqq.*

and their intention clearly was to offer forcible resistance, from which they were prevented only by the unexpectedly rapid concentration of the Administration's forces on the spot and the completeness of the preparations made. The rank and file were released, but the leaders were immediately put upon their trial, and those found guilty were punished.'[1]

Shortly after the suppression of the rising, the Administrator visited Rehoboth, interviewed the leaders of the recalcitrants, and 'released from gaol all persons who had been sentenced for participation in the rising, though many of them still had considerable terms to serve. In accordance with the promise which had previously been made to the community that their claims regarding their constitutional status would be fully inquired into, the Union Government, on the 14th May, 1925, appointed the Honourable Jacob de Villiers, Judge of the Appellate Division of the Supreme Court of South Africa, to hold an inquiry.'[2] Pending the receipt of Judge de Villiers' report, the proclamation of the 16th December, 1924, remained in operation.

Judge de Villiers reported that the territory of the Rehoboth Bastard community, as well as the remainder of South-West Africa, was *territorium nullius*, in international law, at the time when Germany took possession, and that therefore, 'by virtue of the occupation of the territory with the consent of the various chiefs of the aborigines, Germany obtained the sovereignty over such territory',[3] notwithstanding the fact that South-West Africa was styled a protectorate, and was not part of the home territory of the *Reich*. He opined, however, that 'good faith demanded that the treaty of the 15th September, 1885, between the Germans and the Bastards, should be observed; thereto Germany was bound *in foro conscientiae*.'[4] He found that, under the German régime, 'laws enacted for the *Schutzgebiet* ran everywhere in the territory unless a particular portion was expressly excepted. In this way many laws were made also for the Rehoboth burghers.'[5] In regard to the seventh question in his terms of reference, namely:

> Whether the issue of Proclamation No. 28 of 1923 was within the powers of the Union Government, and whether the proclamation encroached upon the existing rights of the community,

[1] *Report of the Administrator of South-West Africa for the Year 1924*, p. 14.
[2] *Report of the Government of the Union of South Africa on South-West Africa for the Year 1925*, p. 4. See *op. cit.*, pp. 4–5, for the comprehensive terms of reference given to Judge de Villiers.
[3] *Report*, p. 54; cf. p. 56.
[4] *Op. cit.*, p. 56; cf. p. 63.
[5] *Op. cit.*, p. 59.

Judge de Villiers reported[1] thus:

> It follows from the supreme power which Germany had over Rehoboth (to which the Union Government under the Treaty of Versailles was the successor in title, as was decided by the Appellate Division of the Supreme Court of South Africa in Rex *v.* Christian, 1924 A.D., p. 101)[2] that the issue of Proclamation No. 28 of 1923 was within the powers of the Union Government. That being so, there can in law be no question of an encroachment upon the rights of the community. But the main grievance of the party hostile to the Agreement of the 17th August, 1923, is that the Proclamation is too complicated and that they do not know to what they are bound under the Agreement. In my opinion the complaint is genuine.

Judge de Villiers recommended that the alienation to Europeans of land in the Rehoboth territory should be prohibited.[3] On the boundary question, he pronounced that the position taken by the Mandatory Administration was correct—that is, that 'the burghers never had permanent boundaries until they were demarcated by the Germans' between 1894 and 1909.[4]

Judge de Villiers' report was signed on the 20th September, 1926, but it was not ready for issue until the 17th June, 1927,[5] and it was not until the middle of February 1928 that the Mandatory Power, after consultation with the Administration for South-West Africa, was able to settle the main lines of policy to be adopted towards the Rehoboths.[6] The decisions of the Union Government were as follows:

> 1. It being considered premature for the present to restore the powers of self-government enjoyed by the Rehoboth Community prior to the promulgation of Proclamation No. 31 of 1924, the powers of the Raad will for the time being continue to be vested in the Magistrate as prescribed by the Proclamation, subject to the following modifications:
>
> (a) There will be constituted an Advisory Board consisting of members of the Rehoboth Community, of whom three will be elected by the said Community and three appointed by the Administrator, to advise the Magistrate in the execution of the powers vested in him generally.
>
> (b) In suits between Bastards the Magistrate will be assisted by two disinterested assessors selected from a body of twelve persons

[1] *Op. cit.*, p. 62.

[2] For Judge de Villiers's own position in regard to this decision, and for its bearing on the question of sovereignty, see p. 248 above.

[3] *Op. cit.*, p. 64.

[4] *Op. cit.*, p. 66.

[5] The delay was due to the length of time required for translating, printing, and revising a blue book which, including documentation, ran to 309 printed folio pages.

[6] Statement by Mr. A. J. Werth to the Mandates Commission during their fourteenth session (26th October to 13th November, 1928). See the *Minutes* of the fourteenth session, p. 62.

nominated every year by him on the recommendation of the Advisory Board mentioned above.

2. No person other than a member of the Rehoboth Community shall be permitted to acquire in the Rehoboth Gebiet any interest in immovable property, whether leasehold or freehold, without the approval of the Administrator, the Government, however, reserving to itself the right to reconsider its policy in this respect with the change of circumstances.

3. All natives will be removed from the Gebiet, except the Berg Damaras, and no other natives will be allowed in future to enter the Gebiet to reside there.

4. Europeans will not be allowed to reside in the Gebiet except on a permit from the Administrator; temporary permits may be issued by the Magistrate to Europeans visiting the Gebiet for purposes of trade.

5. Legislative steps will be taken prohibiting Europeans from purchasing or being in possession of intoxicating liquor, firearms or ammunition in the Gebiet without a permit from the Magistrate.[1]

The constitutional changes resulting from these decisions came into operation on the 1st April, 1928.[2]

In the meantime, Judge de Villiers' report had been forwarded by the Union Government to the Permanent Mandates Commission, but it arrived at Geneva just too late to be considered during the Commission's eleventh session (20th June–6th July, 1927). During this session, the Commission had had before them a petition from the Rehoboths, dated the 26th November, 1926; but, in the absence of the de Villiers Report and of any comments by the Mandatory Power on the petition, the Commission postponed consideration of the whole question until their next session.

In their petition the Rehoboths complained that for over a year they had been promised the report of Judge de Villiers and that they had been denied any opportunity of seeing the Administrator; that their goods had been destroyed by the police and that Europeans had been allowed to purchase their lands; that a German law, under which debts due to Europeans could not be recovered in court, had been repealed; and that their game was being exterminated by Europeans. They asked to be given a personal audience by the Mandates Commission in order to state their case.

In their report to the Council on their eleventh session the Mandates Commission asked that the Government of the Union of South Africa should be urged to forward the de Villiers Report without further

[1] Quoted from the *Report of the Government of the Union of South Africa on South-West Africa for the Year 1927*, p. 4.

[2] *Op. cit., loc. cit.* Effect was given to the Union Government's decision by Proclamation No. 9 of 1928 (see the *Report on South-West Africa for 1928*, pp. 87–8).

delay (as has been mentioned, the report arrived at Geneva immediately after this recommendation had been framed), together with their own comments on the report and on the Rehoboths' petition. At the time of the Mandates Commission's twelfth session (24th October to 11th November, 1927), the desired comments had still not arrived, and the Commission felt obliged to postpone the question once more. The report to the Council on this session declared that the Commission 'regrets exceedingly the long delays which have occurred in the treatment of this question by the Mandatory Power'. Matters relating to South-West Africa were not included in the agenda for the thirteenth session of the Mandates Commission (12th to 29th June, 1928), in view of the fact that the Union Government had announced their intention of sending Mr. A. J. Werth, the Administrator of the Territory, to act as their accredited representative during the fourteenth session of the Commission in the following November.

The Rehoboths' petition of the 26th November, 1926, was duly considered by the Commission, together with the report on South-West Africa for the year 1927, during the fourteenth session (26th October to 13th November, 1928). Mr. Werth opened his statement by defending the Union Government at some length against the charges of remissness in dealing with the Rehoboths' grievances and of undue delay in sending to the Mandates Commission the de Villiers Report and their comments on the report and on the Rehoboths' petition.[1] In regard to the complaints made by the Rehoboths, Mr. Werth explained that in November 1926, when the petition was dispatched, he did not consider that any useful purpose would be served by granting an interview to the Rehoboths, because the issue of the de Villiers Report was still pending. He denied the allegations regarding the destruction of the Rehoboths' goods by the police, the alienation of their lands and the destruction of their game. On the

[1] The delay in the issue of the report (which was the reason for the delay in settling the Mandatory's policy towards the Rehoboths) had been due to technical reasons, and the report had in fact been sent to Geneva as soon as it was available. In regard to comments, the Union Government's justification was that both the report and the petition had been accompanied by observations from the Administrator, and the Government had taken it for granted that those observations would be considered to represent their own views. Mr. Werth prefaced his statement by the remark that there did not appear to exist 'that complete understanding which there should be between the Commission and the Mandatory Power' and that he hoped to be able to 'clear the atmosphere' (*Minutes* of the fourteenth session, p. 60). At the close of the hearing the Chairman was able to say that, as a result of the discussions with Mr. Werth, 'any risk of a serious misunderstanding between the Mandatory Administration and the Permanent Mandates Commission as organ of control seemed to be finally removed.' (*Op. cit.*, p. 116.)

subject of the law regarding the recovery of debts he said that, pending the issue of the de Villiers Report and the coming into force of new constitutional arrangements, the Administration had been anxious not to impose any legislation on the Rehoboths, and the question of introducing a law to replace the German law had therefore remained in abeyance. Now that an Advisory Board had been established, however, legislation in the sense desired would be introduced.

With regard to the general situation in Rehoboth, Mr. Werth could only say that the dissatisfied party would be content with nothing less than complete independence, and since it was impossible to grant them their wish they refused to co-operate with the Administration in any way. When the election had been held on the 29th May, 1928, for the Advisory Board, which had been established in accordance with the decision of the Union Government referred to above,[1] the dissatisfied party held aloof, with the result that the Council was composed entirely of members of the 'loyal' party, who represented only a minority of the community.

Mr. Werth's explanations satisfied the Mandates Commission that under the new arrangements which had been introduced the Rehoboths had no real cause for complaint, and in their report to the Council they recommended that 'the petitioners should be informed that the Permanent Mandates Commission understands that their grievances have been fully investigated and considers that they have now lost their relevance'.

The situation in Rehoboth apparently changed very little during the next eight months, and at the fifteenth session of the Mandates Commission (1st to 19th July, 1929) the accredited representative of the Mandatory Power could only say that the dissatisfied party was still refusing to co-operate in any way with the Administration and that there seemed to be no immediate prospect of any improvement in the position. Fortunately, however, the resistance of the malcontents took a passive form, and the difficulties of the Administration were not further complicated by overt acts of hostility such as had taken place in 1924 and 1925.

(*d*) Native Labour.

It seems probable that the political unrest among the Rehoboths during the period under review was due in part to economic causes. The economic distress of the Rehoboth community was ultimately due to the economic revolution which was in progress throughout the

[1] See p. 262.

Mandated Territory.[1] If this comparatively progressive Coloured community, which possessed 'in round figures about 1,400,000 hectares of the most fertile ground in the whole territory',[2] found it increasingly difficult to make a livelihood out of its domain, it can hardly have been otherwise with the natives on the reserves, in spite of the efforts of the Mandatory Authorities to increase their material well-being.

In pursuance of recommendations made by a Native Reserves Commission in 1921, the aggregate extent of areas within the Police Zone[3] which were proclaimed as Native Reserves was raised to more than two and a half million hectares between 1922 and 1925, as compared with just under one million hectares occupied by natives under German treaties at the time when German sovereignty over the territory was extinguished. A Native Administration Proclamation of 1922 provided that no reserve once proclaimed might be de-proclaimed or alienated without the sanction of the Union Parliament; and it was the policy of the Administration not to proclaim any area as a reserve until adequate water had been provided. To cover the cost of such services as water-supply and dipping-tanks, a proclamation,[4] which came into force on the 1st April, 1924, provided for the establishment of a Trust Fund for each native reserve, into which were to be paid such revenues, accruing to the Administration from each reserve, as the Administration might determine. Seven purposes were specified on which, subject to the approval of the Administrator, the revenue so obtained might be expended. Provision was also made for the establishment in each reserve of a board for administering the Trust Fund, with the magistrate or superintendent as chairman and an elected membership of not more than six natives in addition to the native headman. In any reserve, an additional rate might be imposed by a majority vote of the adult male native residents. By the end of the year 1925 there were in existence, within the Police Zone, fourteen reserves, with an aggregate extent of over two and a half million hectares and an aggregate population of 11,740, owning, in the aggregate, 49,250 head of large and 227,834 head of small stock. By

[1] On this, see *Report on South-West Africa for 1926*, p. 5.

[2] *Report of the Administrator for 1923*, p. 13. This figure is exclusive of the additional farms offered to the Bastards by the Mandatory Administration as part of the agreement of 1923. The area of the Rehoboth Territory as demarcated by the Germans in 1909 was 1,795,000 hectares. The area subsequently alienated by the Bastards was 451,700 hectares. (The *de Villiers Report*, p. 64.)

[3] i.e. the gradually expanding area within the frontiers of the Territory, as laid down by international agreement, which was effectively policed and administered.

[4] No. 9 of 1924.

the end of 1926, native reserve boards had been constituted, under the proclamation of 1924, in six reserves out of the fourteen.[1]

The White community in the Mandated Territory complained that the policy of allowing natives to reside in the reserves tax and rent free attracted able-bodied idlers to the reserves and that this was one of the causes of the labour shortage. After close investigation, the Administrator dismissed this complaint as unfounded[2] (except as regarded the Rehoboth Bastards[3], whose territory was not a reserve in the technical sense). The true causes of the labour shortage appear to have been, first, the rapid increase in the demand for labour owing to the development of agriculture and mining by the White community,[4] and secondly a disinclination on the natives' part to labour for the Whites[5]—a disinclination which was due partly to the fact that the natives available were mostly unaccustomed and unadapted to the White man's conditions of work.[6]

A startling case was the rate of mortality among the native employees on the Luderitz diamond fields during the years 1923 and 1924. The figure presented in the Administrator's report for the year 1923[7] was 30·99 deaths per 1,000 employees from all causes, 30·28 per 1,000 being due to eight specified diseases; and the Permanent Mandates Commission drew attention to this figure in the report on their fourth session (24th June–8th July, 1924). Meanwhile the Mandatory Administration had itself conducted an inquiry, in March 1924,[8] and

[1] The facts and figures given in this paragraph are taken from the *Report on South-West Africa for 1923*, pp. 12–13; *Report for 1924*, pp. 25–8; *Report for 1925*, p. 29; *Report for 1926*, pp. 31–2.

[2] *Report for 1924*, p. 28; *Report for 1925*, pp. 28 and 108–10.

[3] *Report for 1924*, p. 28; *Report for 1926*, p. 5.

[4] *Report for 1925*, p. 27.

[5] On the 8th August, 1927, the Administrator of the Territory wrote as follows: 'The native population of South-West Africa has deteriorated on account of the War and the Martial Law period to such an extent that employers are becoming desperate. They are "lazy", "insolent", "without respect for anybody, the police not excepted".'

[6] In the hope of ensuring greater observance by natives of the terms of their labour contracts, a number of proclamations were issued prescribing penalties of varying severity for neglect to work, breach of rules and regulations, and other specified offences. By a proclamation issued in 1927 the maximum penalties were increased for offences by domestic servants and other native wage-earners who did not come within the scope of special enactments governing conditions in mines and larger works and in certain proclaimed areas. Regulations were also in force which controlled the movements of natives, and another proclamation issued in 1927 amended these regulations and increased the control exercised by an employer over the movements of his native employees. (For these proclamations see *Industrial Labour Information*, vol. xxiv, No. 11, 12th December, 1927.)

[7] p. 58.

[8] The medical officer of the Mandatory Administration had inspected the Luderitz diamond fields as early as December 1920 and had suggested com-

later in the year it had called in, as an external expert, the Chief of the Sanitation of the Rand Mines, Dr. A. J. Orenstein. After Dr. Orenstein had visited Luderitz, the Administration called a conference of the mining interests to meet him at Windhoek on the 2nd September, 1924; and this conference unanimously accepted Dr. Orenstein's recommendations.[1] At the time of Dr. Orenstein's visit, the rate of mortality was actually about 120 per 1,000 per annum;[2] and the flat rate for the whole year 1924 was as high as 74·179 per thousand.[3] In view of this, the Permanent Mandates Commission, in the report on their sixth session (26th June–10th July, 1925), drew attention to the matter once again. Happily, as the result of energetic measures taken in pursuance of Dr. Orenstein's recommendations, the flat-rate for the year fell to 33·689 per 1,000 in 1925[4] and to 24·713 in 1926.[5] It must be noted, however, that these figures, while showing a great improvement upon the figure for 1924, remained in the neighbourhood of the figure for 1923 and were still gravely in excess of the figures for the three years 1920 to 1922.[6] Moreover, in 1927 the flat rate for the Luderitz diamond fields rose again to 26·30. In this year, the total number of deaths among natives employed in all mines was 402, or 39·83 per thousand, compared with 265 or 21·80 per thousand in 1926. This serious increase was due to a bad epidemic of influenza, which was especially virulent in the district of Grootfontein, in the north-east corner of the Mandated Territory. In the Tsumeb copper and vanadium mines, the death-rate for the year among native labourers was 79·71 per thousand—influenza being responsible for 70·64 per thousand.[7] Another influenza epidemic occurred in 1928, and the death-rate in the Tsumeb mines for that year was again abnormally high (59·00 per thousand).[8] The Mandatory Administration was unable to account for the specially high rate in this district. It was evidently not due to climatic conditions, since Grootfontein adjoined Ovamboland and enjoyed a similar climate.[9]

prehensive hygienic reforms, but mining operations had been suspended early in 1921, and had only been resumed in 1923 (*Report for 1925*, p. 79).

[1] *Report for 1924*, pp. 79–83.

[2] Statement by Dr. Orenstein in the *Minutes* of the seventh session of the Permanent Mandates Commission, pp. 146–7.

[3] *Report for 1924*, p. 81.

[4] *Report for 1925*, p. 81.

[5] *Report for 1926*, p. 90.

[6] For these figures see the *Report for 1923*, p. 58.

[7] *Report for 1927*, pp. 111–12 and 114.

[8] *Report for 1928*, p. 81. The mortality rate for all mines during 1928 was 35·16 per thousand (*op. cit.*, p. 79).

[9] See the memorandum on public health submitted by the Union Government's accredited representative to the Mandates Commission during their fifteenth session and printed as Annex 3 to the *Minutes*.

In their report on their fifteenth session, the Mandates Commission noted with appreciation 'the continued effort made by the Administration and by the mining companies to reduce the mortality in the mines amongst native workers from the north of the territory' and expressed the hope 'that the causes of this high mortality, which appear to be at present unknown, will be discovered, and that it will thus be possible to carry on the work of the mines under more satisfactory conditions'.

The native labour employed in mining enterprises in the Mandated Territory was recruited from many different sources, not only within the Mandated Territory itself, but in the territory of the South African Union, in British Bechuanaland, and in the Portuguese colony of Angola; and an analysis of the death-rate on the Luderitz diamond fields revealed the fact that it varied to an extreme degree as between the various populations represented. In 1924, for example, while the average flat-rate for the year was 74·179 per 1,000, the rate for Ovambos was 99·456 and the rate for other natives of the Mandated Territory 6·451.[1] This was unfortunate, since the aggregate average number of Ovambos employed on the Luderitz fields during the year 1924 was 2,936, as against 155 other natives of South-West Africa and 2,800 from other countries.[2] Ovamboland was, indeed, the main potential source of native labour supply within the frontiers of the Mandated Territory. In 1926 it was estimated that out of a total native population of 234,790 in the Territory, Ovamboland contained 126,600, as compared with 16,200 in other districts outside the Police Zone and 91,990 in the area inside the Police Zone.[3]

Thus the perennial shortage of native labour in the economically developed parts of the Mandated Territory gave rise to a perennial demand for labour from Ovamboland in particular, and this demand created difficulties. On the one hand, the public opinion of the White population in the Territory regarded it as the natural function, and indeed almost as the social duty, of the natives to come and work as hired labourers on the White men's farms, mines, and railways; and the Mandatory Authorities accepted this view in principle, though they did not put it into practice as drastically as the White settlers desired.[4] On the other hand, the Ovambos, who were now the main potential source of native labour available within the Territory, were perhaps exposed to greater hardship, through the application of this

[1] *Report for 1925*, p. 79. See also p. 80.
[2] Figures in the *Report for 1924*, p. 90.
[3] *Report for 1926*, p. 22. On p. 23 the estimate for Ovamboland is given as 126,800.
[4] On this matter see the *Survey for 1920–3*, pp. 402–4.

policy, than any other native people of South-West Africa. Except in the case of the northern copper and lead mines, their homelands were the most remote of any from the centres where the labour was required, and Ovambo recruits for the diamond fields had to make a long and toilsome journey in order to work in an unfamiliar climate.[1] They had also to work under unfamiliar conditions, since Ovamboland, lying outside the Police Zone on the extreme northern fringes of the Territory, had only recently begun to come within range of the White man's influence. The Ovambos were a still unbroken group of Bantu tribes, living their traditional life in a tropical environment, little affected as yet by the handful of White missionaries and White political officers in their midst. In these circumstances, it was natural that the Ovambos should display a strong reluctance to respond to the solicitations of labour-recruiting agents; and that those who did respond should have been subject, during their sojourn in the mines, to an appallingly high rate of mortality.

As early as September 1923, a conference of the mining interests was held at Windhoek, under the chairmanship of the Inspector of Mines, with a view to increasing the recruitment from Ovamboland;[2] but in 1924 the contingent of Ovambo labour on the Luderitz fields decreased to such an extent as to render the labour shortage acute.[3] In regard to the year 1925, it was reported that, while it was questionable whether there was sufficient labour in the Territory in any circumstances to meet all requirements, the position had probably been 'aggravated' by the prosperity which the natives had enjoyed during the year. 'This applies particularly to Ovamboland and the Okawango, where good harvests were reaped and, having abundance of food, the natives did not find it necessary to work.'[4] In December 1925 another conference of employers of mine labour (again, apparently, under Government auspices) was held at Windhoek, and it was decided to form two recruiting associations which were to replace the Administration as a recruiting agency.[5] While the Administration had been acting in that capacity, in 1924, it had taken a step which laid it open to criticism by imposing upon the three missionary organizations licensed to operate in Ovamboland the condition that they should furnish the Administration with a written undertaking

[1] As has been noted above, climatic conditions were not the determining factor in the high death-rate among the workers in the Tsumeb mines.

[2] *Report for 1923*, p. 14.

[3] For the causes of this falling-off in the supply of Ovambo labour, apart from the question of hygienic conditions, see the *Report for 1924*, pp. 24–5.

[4] *Report for 1925*, p. 9.

[5] *Report for 1925*, p. 28; *Report for 1926*, p. 36.

'to encourage all natives under their influence to seek employment in South-West Africa proper—that is to say, within the Police Zone'.[1] The Permanent Mandates Commission discussed this condition with the accredited representative of the Mandatory Power during their ninth session (8th–25th June, 1926); and, after commenting upon it somewhat sharply in the course of the discussion, they recorded, in their report, their doubt whether such a requirement was in accordance with the spirit and letter of Article 5 of the Mandate.[2] They also asked for further information on the subject in the next annual report from the Mandatory Power; but in the report of the Government of the Union of South Africa on South-West Africa for the year 1926, the practice was defended on the grounds that it was not unreasonable, in view of the acute labour shortage, 'to ask the missions for an undertaking that they will do nothing which will interfere with the free flow of labour' and that 'work brings him [the native] in contact with civilization and therefore necessarily assists the process of civilizing him'. In the view of the author of the report, the conditions to which the Mandates Commission had taken exception embodied 'what should be a fundamental principle of mission work'; and he did not consider that it 'travelled beyond the Mandate'.[3] In November 1928, however, the cross-examination by the Mandates Commission of the Union Government's accredited representative elicited the fact that the Administration had waived the condition which had been imposed on the missionaries.[4] Although one of the two recruiting agencies inaugurated at the Windhoek Conference of December 1925 started operations in 1926 under the direction of the Officer-in-Charge of Native Affairs, Windhoek, who was seconded for this purpose for one year, there was no remarkable increase in recruitment during the year 1926. In this year 4,033 Ovambos were recruited, as compared with 3,269 in 1925 and 3,273 in 1924. In addition, 1,134 South Angola natives were recruited in Ovamboland in 1926, as compared with 1,080 in 1925 and 672 in 1924. The total number of natives recruited in South-West Africa in 1926 (including those who, like the South Angolans, originally came from other countries) was 7,315, of

[1] *Report for 1925*, pp. 107–8. Compare pp. 93–4. In notifying this condition to the Permanent Mandates Commission, the Administrator adds in brackets: 'It will be remembered that Ovamboland is the main source of labour for the Mines and Railways, and nothing must be done which may be calculated to interfere with the free flow of labour.' Five other conditions, likewise to be accepted in writing, were simultaneously imposed upon the missionaries before they were licensed to operate in Ovamboland.

[2] *Minutes* of the ninth session, pp. 39–40 and 220.

[3] *Report on South-West Africa for 1926*, pp. 98–9. Cf. p. 36.

[4] *Minutes* of the fourteenth session, p. 108.

whom 5,167, in all, were recruited in Ovamboland.[1] The author of the report pronounced these results unsatisfactory in regard both to Ovamboland in particular[2] and to the Mandated Territory as a whole.[3] In the early part of 1927 the diamond mines reduced their operations and ceased to engage additional natives. A certain amount of surplus labour was thus available to meet the demand for the mines in the north, and except for certain periods at the end of the year the labour requirements of the mines were met. The total number of natives recruited during 1927 was 8,255, of whom 5,614 came from Ovamboland.[4] In 1928 the total number of natives recruited in the Mandated Territory fell to 6,277,[5] and the situation in the northern mines became serious again. The mine owners sent a deputation to the Government of Northern Rhodesia asking for permission to recruit labour from Barotseland, but their request was refused, and they were obliged, as the only alternative to closing down altogether, to continue to rely on Ovamboland as their main source of supply, in spite of the terribly high death-rate among the Ovambos.[6]

By the close of the year 1929 the native labour question had become the crucial question for the future of South-West Africa. In this matter, the situation in the territory mandated to the South African Union did not differ appreciably from the situation in the Union itself and in the vast expanse of Tropical Africa between the northern borders of the Union and the southern fringe of the Sahara.

(vii) The Administration of the Mandate for South-West Africa in the so-called 'Caprivi-Zipfel'.

The 'Caprivi-Zipfel' was named after Count Caprivi, Chancellor of the German *Reich* from March 1890 to October 1894, who had been

[1] These figures are taken from the *Report for 1926*, p. 37.

[2] *Report for 1926*, p. 34. After suggesting reasons for the smallness of the number of recruits from Ovamboland, the writer of the report notes: 'It is significant that the bulk of the labour which is recruited in Ovamboland is provided by the Ukuanyama tribe, who were disarmed a few years ago and who, in place of a native chief, look up to our representative as their direct head. This tribe provided seven or eight times as many recruits as the well-armed Ondonga tribe, which approximated the same population, and over 60 per cent. of all the labourers which leave Ovamboland.'

[3] *Report for 1926*, p. 37.

[4] See the *Report for 1927*, pp. 47, 50, and 90.

[5] *Report for 1928*, p. 69. The falling-off in numbers during 1928 was attributed principally to the fact that Ovambos in the neighbourhood of the Angolan frontier were reluctant to leave their homes while the demarcation of the new boundary was in progress (see section (viii) of this part of the present volume). The position was also affected during the latter part of the year by drought (*op. cit.*, *loc. cit.*).

[6] See the Memorandum on Public Health submitted to the Mandates Commission during their fifteenth session.

responsible for the appearance of this curious shape upon the political map of Africa as delimited by treaty between certain European Powers. The object of German diplomacy in obtaining international recognition for these imaginary lines on the map had been to secure a right of way from German South-West Africa to the Upper Zambesi.[1] The result was a ' pan-handle ' of territory, attached to the extreme north-eastern corner of South-West Africa and extending as far as the Zambesi in a direction slightly north of east. This 'pan-handle', which was nearly 300 miles long and hardly more than 20 miles across for the first 150 miles, was a territorial monstrosity which had no organic connexion with South-West Africa and not even any organic unity in itself.[2]

Under the German régime this anomaly had remained theoretical, since the 'Caprivi-Zipfel' lay well beyond the zone of effective German occupation and since the German Government, being nominally the sovereign of the territory, was responsible to nobody but itself for what might happen there. When the administration of the former German colony, including the 'Caprivi-Zipfel', was transferred under a Mandate to the Union of South Africa, the situation was changed in two respects. The Mandatory Power became responsible for what happened in the 'Caprivi-Zipfel', as well as in other parts of the Mandated Territory, to the League of Nations; and at the same time the Zipfel, like the northern fringe of South-West Africa itself, began to be opened up by European missionaries and traders.

Since the Zipfel not only lay outside the South-West African Police Zone, but was almost inaccessible from the direction of Windhoek, the Mandatory Power delegated its powers, in respect of the Zipfel, to the British High Commissioner for the Union of South Africa, who combined in one person, with his function of representing, as Governor-General, the British Crown in the self-governing Dominion known as the Union of South Africa, the distinct and separate function of administering on behalf of the Government of the United Kingdom, as British High Commissioner, the British Protectorate of Bechuanaland, which did not form a part of the

[1] By Article III of the Anglo-German Agreement signed in Berlin on the 1st July, 1890 (text in Hertslet, *Map of Africa by Treaty*, vol. iii, pp. 899 *seqq.*), Germany had been guaranteed free access from her Protectorate in South-West Africa to the Zambesi ' by a strip of territory which shall at no point be less than 20 English miles in width'. Count Caprivi was one of the two German plenipotentiaries who signed this agreement.

[2] See the map in the *Report of the Government of the Union of South Africa on South-West Africa for the year 1926.*

Union.[1] The practical reason for this arrangement was that the Zipfel marched with British Bechuanaland along its whole length, and was therefore relatively accessible from this direction.

Accordingly, under two proclamations issued simultaneously in 1922 by the Governor-General and High Commissioner, in his dual capacity as representative of the Crown in respect of the Union and in respect of the United Kingdom,[2] the 'Caprivi-Zipfel' was brought under the administration of the Bechuanaland Protectorate as from the 1st January, 1921, and the laws in force in the Protectorate were declared applicable to the Zipfel—the laws previously in force being simultaneously repealed with the exception of several relating to the change of sovereignty which had occurred in consequence of the General War of 1914–18.[3]

In consequence the Union Government at first omitted reference to the 'Caprivi-Zipfel' in their annual reports to the League of Nations on the Mandated Territory; and the Permanent Mandates Commission took exception to this omission.[4] The opinion was even expressed, by members of the Commission, that the arrangement in force was contrary to the terms of the Mandate.[5] The Commission contented itself, however, with requesting the Mandatory Power to communicate annual reports on the Zipfel simultaneously with the annual reports on the rest of the Mandated Territory; and this request was complied with in the Mandatory's reports from the year 1925 onwards.[6]

The native population of the Zipfel, as enumerated in 1921, was 4,249; and, apart from officials, the only Europeans in the territory were a few missionaries and traders. For the year ended the 31st March, 1928, the total revenue was £283 0*s.* 3*d.*, and the total expenditure £2,104 9*s.* 3*d.* During these years, the Zipfel was happy in having no history.

[1] The High Commissioner for South Africa was likewise responsible to the Government of the United Kingdom for the two other British Protectorates of Basutoland and Swaziland. Swaziland lay between the Union and Portuguese East Africa. Basutoland was an enclave in Union territory.

[2] Governor-General's proclamation No. 12 of 1922, and High Commissioner's proclamation No. 23 of 1922.

[3] A list of the previous laws not repealed will be found in the *Report of the Government of the Union of South Africa on South-West Africa for the year 1925*, p. 114.

[4] e.g. in the reports on their Fourth Session (24th June–8th July, 1924) and on their sixth session (26th June–10th July, 1925).

[5] *Minutes* of the sixth session, p. 61.

[6] A report on the Zipfel for the year 1st April, 1924–31st March, 1925, had already been communicated by the Mandatory Power to the Secretariat of the League on the 22nd July, 1925.

(viii) The Delimitation of the Frontier between the Mandated Territory of South-West Africa and the Portuguese Colony of Angola (1925–6).

The frontier between South-West Africa and the Portuguese colony of Angola was first described in a treaty of the 30th December, 1886, between the German Government (at that time sovereign of South-West Africa) and the Portuguese Government. In this treaty, one section of the frontier was equated with the middle line of the lower course of the Kunene River (which rose in Angola and fell into the Atlantic), and another section with the middle line of the Okavango or Cubango River (which likewise rose in Angola but flowed south-eastwards and, after traversing the neck of the 'Caprivi-Zipfel',[1] eventually lost itself in the Kalahari Desert within the territory of British Bechuanaland.) Across the watershed between the two rivers, the frontier was to follow an imaginary straight line running due east and west; and the latitude of this line was defined by laying down that it should start from the middle line of the Kunene River at 'the cataract' (German text) or 'the rapids' (Portuguese text) 'south of Humbe' where the river 'runs through the Kanna Hills'. The locality of the cataract or rapids in question was described, in the treaty of 1886, in these vague terms because at that time the district had not yet been thoroughly explored or accurately surveyed. After the conclusion of the treaty, it was ascertained that, within the district referred to, there were actually two falls, of which the lower (the Rua Cana Falls) were eight miles south of the higher (the Kavala Falls). Thereafter, the Germans claimed the northern and the Portuguese the southern falls as being the cataract or rapids mentioned in the treaty as the starting-point of the east-and-west line; and since this line was about 250 miles long from river to river, an area of about 2,000 square miles was at stake. The most coveted prize, however, was the Rua Cana Falls themselves, which had a drop of 406 ft., whereas the Kavala Falls had a drop of no more than 6 ft. If the German claim were accepted, the left bank of the Kunene, just above the Rua Cana Falls, would lie within the frontier of South-West Africa, and the sovereign of that territory would be free to construct works at this point both for obtaining hydraulic power and for irrigating portions of Ovamboland appertaining to South-West-Africa. On the other hand, if the Portuguese claim were accepted, this valuable point of territory would lie within the frontier of Angola.

Pending a settlement of the boundary dispute which had thus

[1] See the preceding section of this part.

arisen, the German and Portuguese Governments agreed to treat the contested territory as a neutral zone; but the dispute was never settled during the German régime in South-West Africa, and it was inherited from the German Government by the Government of the Union of South Africa, as the Power on whom the Mandate for the territory was conferred by the Principal Allied and Associated Powers in the peace settlement following the General War of 1914–18. With the lapse of time, the motives for maintaining the conflicting claims had become perceptibly stronger on both sides.

The Government of the Union of South Africa were interested in the question not only because the overflow of the waters of the Kunene was essential for the well-being of the natives on the South-West African side of the boundary, but also because the potential value of the Kunene water for hydraulic power and irrigation had increased now that the gradual process of opening up South-West Africa economically had begun to extend to Ovamboland.[1] At this time, moreover, great public interest was being aroused in South Africa by a theory that a large portion of the now arid region in the north-east corner of South-West Africa and the north-west corner of British Bechuanaland lay within the natural basin of the Kunene River, and that, if the Kunene waters were to be diverted, above the Rua Cana Falls, so as to flow, not south-westwards towards the Atlantic, but south-eastwards through the Etosha Pan to join the waters of the Okavango in Lake Ngami, a great territory, now desert, might be reclaimed for cultivation, with a further possibility of improving the climate of the whole of South Africa by inducing an increase in the rainfall. This theory was taken so seriously that in October 1920 the Government of the Union appointed a Commission to investigate it. In February 1921 this Commission eventually presented an adverse report upon the theory in its wider aspects.[2] Yet, although the larger expectations which had been excited were found to be illusory, the public discussion of the theory at this particular time may perhaps have enhanced the value of the Rua Cana Falls in the estimation of the South African people and in that of the Union Government itself.

Meanwhile, the Portuguese Government and people had become increasingly sensitive in regard to the integrity of Portuguese sovereignty over the surviving Portuguese colonies. After the exposure in 1907 of the conditions under which native labour was 'indentured' for

[1] See Section (vi) of this part.

[2] See *Report of the Kalahari Reconnaissance of 1925* (Pretoria, Government Printing and Stationery Office, 1926), p. 9.

employment on the cocoa plantations of San Thomé and Principé,[1] enlightened international opinion had become imbued with the idea that Portugal was not a fit Power to govern Tropical African territories. At the same time, the control of Tropical African territories was coming to be coveted more and more ardently by other European Powers; and since Portugal was navally and militarily weak, and the Government at Lisbon unstable, the Portuguese had come to fear that the charges of maladministration (whether well- or ill-founded) might be taken by interested Powers as a pretext for compelling Portugal to transfer her colonies to other hands. The future of the Portuguese colonies, if and when Portugal relinquished them, was, indeed, openly discussed in 'unofficial circles'; it was also discussed during Lord Haldane's mission to Berlin in February 1912; and in 1913 and 1914 it was the subject of negotiations for a secret agreement between Great Britain and Germany.[2] After Portugal had intervened against Germany in the General War, however, the British Government renewed their assurance[3] that the integrity of Portugal's colonial possessions would be respected.[4] Nevertheless, Portuguese anxieties on this matter were not entirely allayed; and therefore any proposal which might seem to infringe the principle of the integrity of the Portuguese colonies was viewed in Portugal with misgiving.

[1] See J. Burtt and W. C. Horton: *Report on Conditions of Coloured Labour on the Cocoa Plantations of San Thomé and Principé and the methods of procuring it from Angola* (London, 1907). See also F. Mantero: *Manual Labour in San Thomé and Principé* (2 vols, Lisbon, 1910); W. A. Cadbury: *Labour in Portuguese West Africa* (2nd ed., 1910).

[2] A draft agreement, which was intended to replace a secret Anglo-German treaty regarding the Portuguese colonies of the 30th August, 1898, was initialled on the 13th August, 1913, but it remained unsigned at the outbreak of the War of 1914–18, owing to a difference of opinion as to the desirability of making its terms public. (See *Die Grosse Politik der Europäischen Kabinette*, 1871–1914 [Berlin, 1927, Deutsche Verlagsgesellschaft für Politik und Geschichte], vol. 37).

[3] By a secret Anglo-Portuguese Treaty of 1899 (the Treaty of Windsor), the British Government had reaffirmed the promise, which had been contained in a secret article of the Anglo-Portuguese Treaty of the 28th April, 1660, that England would 'defend and protect all conquests or colonies belonging to the Crown of Portugal against all its enemies as well future as present'. The Anglo-Portuguese Treaty of 1899 had been concluded under pressure from the Portuguese Government, which suspected the existence of the Anglo-German secret treaty of the previous year. (See *Die Grosse Politik, loc. cit.*, especially pp. 99–100).

[4] On the 15th November, 1917, in answer to a parliamentary question in the House of Commons at Westminster, the Under-Secretary of State for Foreign Affairs (Lord Robert Cecil) declared that 'His Majesty's Government neither have, nor could have, any responsibility for proposals designed to deprive Portugal of any of her colonies. Great Britain has promised to defend and protect the Portuguese Colonies against all enemies'.

On the 1st January, 1925, the Portuguese Minister for the Colonies thought it advisable to announce officially that, in any delimitation of the southern frontier of Angola, no alienation of territory would be permitted. In December 1925 protests were evoked in Portugal by a rumour which had appeared in the French press to the effect that Portugal had made proposals for the sale of Angola to Great Britain.[1] In November 1926 Signor Mussolini was reported to have declared to the Portuguese Minister in Rome that no designs upon the Portuguese colonies were entertained by Italy.

These circumstances were not propitious for the settlement of the South-West Africa-Angola boundary dispute. After the conquest of South-West Africa by the Union forces in 1915, General Botha appears to have proposed to the Portuguese Government, as a compromise, that the east-and-west-line should start from the Kunene at a point midway between the two falls, but the Portuguese Government did not find this proposal acceptable. Thereafter, the Government of the United Kingdom, on behalf of and in consultation with the Government of the South African Union, entered into negotiations with the Portuguese Government on the subject, and on the 5th July, 1920, a mixed Anglo-Portuguese commission met near the Rua Cana Falls and came to an agreement 'regarding the starting-point of the line of demarcation of the two territories and the allocation of the water of the Kunene at Rua Cana with a view to utilizing the hydraulic power'.[2] The negotiations broke down, however (according to the Portuguese account), because the British Commissioners

> also requested the right to collect a part of the water of the same river

[1] Compare the anxiety which was expressed in Portugal in connexion with the development of Beira—the port in Portuguese East Africa which was the only outlet on the sea for Nyasaland and was also the principal port for Northern Rhodesia. As a result of British interest in the port, the Mozambique Company (which administered the area in which Beira was situated under a charter granting it sovereign rights) gave a concession for works on a large scale to a British company, the Rhodesia Railway Trust. The concession was granted in July 1926 for 99 years, and in 1927 Senhor Correia da Silva, a former Governor of the Mozambique Company's territory, published a book in which he alleged that the British company would have full control of the port for 99 years, and criticized the Mozambique Company for exceeding its powers in granting the concession. In the following November a protest against the action of the Mozambique Company, signed by 80 Portuguese politicians and men of letters, was published in the Lisbon press. At the end of June 1928 the Portuguese Government appointed a committee of jurists to define the responsibilities assumed by the Mozambique Company in the contracts made with other companies for the construction and exploitation of the port of Beira.

[2] Letter, dated Geneva, 11th September, 1925, from the Portuguese Government to the Secretary-General of the League of Nations (published in *League of Nations Official Journal*, No. 11 (Part I), November 1925, p. 1587).

situated at a much higher point and in exclusively Portuguese territory for the irrigation of vast areas of South-West Africa, stating that the concession of this water constituted a condition *sine qua non* for ratifying the demarcation and the allocation of the water for hydraulic power. Some time later, on October 19th, 1922, the Portuguese Government informed the British Government that, in spite of its earnest wish to arrive at an agreement on this important question, it could not admit that the demarcation of territory in its possession should be regarded as dependent on a concession which it should be free to grant or to refuse in the exercise of its full sovereignty.[1]

Over this question of the diversion of water from the Kunene River, across Portuguese territory, for the irrigation of South-West African territory, the negotiations hung fire for nearly three years, though certain concessions and suggestions were offered, from time to time, on one side and the other.[2] During these years the desirability of arriving at a definitive settlement was emphasized by the Permanent Mandates Commission; and on the 29th August, 1924, the Council, in the light of the Commission's observations, took up the question with the Portuguese Government. The matter was again considered by the Council on the 15th September, 1925, and after a statement by the British representative on the Council, Viscount Cecil, which was unanimously approved by his colleagues, 'it was finally decided that henceforth negotiations should be carried on directly between the Portuguese Government and the Government of the Union.'[3]

This procedure was accepted by the Portuguese Government; and, after fresh negotiations, two agreements between Portugal and the Union of South Africa were finally signed at Cape Town on the 22nd June and the 1st July, 1926, respectively.[4]

In the agreement of the 22nd June, 1926, the waterfalls of the Kunene River referred to in Article 1 of the German-Portuguese Treaty of the 30th December, 1886, were declared and agreed to be the Rua Cana Falls; the latitude of the east-and-west line was determined by a beacon which the Anglo-Portuguese Mixed Commission of July 1920 had placed on the left bank at a point opposed to the crest of the falls; and the treaty of 1886 was interpreted accordingly. The territorial question was thus finally settled in favour of the Portuguese claim.

[1] *Op. cit., loc. cit.*

[2] For details of the negotiations during this stage see *loc. cit.*, and further the South African Government's letter of the 18th September, 1925, and the Portuguese Government's letter of the 23rd September, 1925 (both in *op. cit.*, p. 1588).

[3] Portuguese Government's letter of the 23rd September, 1925.

[4] Texts in League of Nations Publication VI. A. Mandates 1926, VI. A. 20; also in British Parliamentary Papers *Cmd.* 2777 and *Cmd.* 2778 of 1926.

In the agreement of the 1st July, 1926, it was provided that

Whereas by this final settlement the use of the waters of the Kunene River at the Rua Cana Falls is common to the Government of the Union of South Africa and the Government of the Republic of Portugal;

And Whereas the Government of the Union of South Africa may be desirous of utilizing its share of the water for the purpose of generating hydraulic power;

And Whereas it is not feasible for economic reasons to construct all the works required for the aforesaid purpose within the Mandated Territory;

And Whereas the Government of the Republic of Portugal is mindful of the fact that from time immemorial portions of Ovamboland now forming part of the Mandated Territory of South-West Africa have periodically been inundated by the flood waters of the Kunene River overflowing its banks at various points in Portuguese Territory;

And Whereas the Government of the Republic of Portugal is further mindful of the fact that by the silting up of the inlets of some of the natural channels of these waters into Ovamboland the volume of such overflow has greatly decreased;

And Whereas it is vital to the health and comfort if not to the very existence of the native tribes of Ovamboland to ensure that these natural channels shall be and remain open;

And Whereas the Government of the Union of South Africa has asked the Government of the Republic of Portugal for leave to undertake works for the purpose of restoring to the Mandated Territory the benefits of inundation it previously enjoyed;

And Whereas the Government of the Republic of Portugal for reasons of humanity agree, under certain conditions, to allow the diversion of the waters of the River Kunene for the benefit of the Mandated Territory;

a barrage for the diversion of water to be utilized for the generation of hydraulic power in the Mandated Territory might be constructed across the Kunene River on Portuguese territory at a distance of not more than three kilometres upstream from the point on the Rua Cana Falls which had been fixed, in the agreement of the 22nd June, as the western starting-point of the east-and-west line (Art. 1). The barrage might be constructed by either Government or by the two Governments jointly, and each was to be entitled—on certain stated conditions relating to notice and to contribution towards costs—to acquire a right to share in the scheme to the extent of one-half of the water in the river (Arts. 2 and 3). The Government of the Union of South Africa were empowered to divert their share of the water, through intake works immediately above the barrage, into a canal to be carried across Portuguese territory (within certain specified limits) into South-West African territory (Arts. 4 and 5).

The Portuguese Government further conceded to the Union

Government the right to use up to one-half of the flood water of the Kunene River for the purposes of inundation and irrigation in the Mandated Territory and (at their own cost), to construct the necessary works on Portuguese territory, provided that the scheme was reported to be feasible by a joint technical commission, the appointment of which was provided for in a subsequent article (Arts. 6 and 11). It was agreed that, while no charge was to be made for the water diverted from the Kunene River for the purpose of providing means of subsistence for the native tribes in the Mandated Territory, the Union Government should pay the Portuguese Government such compensation as might be mutually agreed upon, if it should be desired to use a portion of the water referred to in Article 6 for purposes of gain (Art. 12).

It was recognized that, notwithstanding the rights granted under this agreement, the Portuguese Government retained their sovereignty over the areas affected by the aforesaid works; and further that the design, construction, maintenance, and operation of the works contemplated in the agreement were to be subject to the laws obtaining in the Province of Angola (Arts. 16 and 17). All disputes arising out of the agreement were to be settled by arbitration (Art. 19). The agreement was to take effect as from the date of signature (Art. 20).

These two agreements of the 22nd June and 1st July, 1926, settled the question at issue as between the two Governments concerned. In July 1926, however, there was forwarded to the Permanent Mandates Commission, through the Mandatory Power (in accordance with the established procedure) a petition, protesting against the territorial settlement, from Mr. W. H. Stuart, a former member of the South African Parliament. Mr. Stuart's petition was accompanied by a memorandum from the hand of Professor E. H. L. Schwarz, of the Rhodes University College at Grahamstown, who had been the leading exponent of the theory (mentioned above) regarding the possibility of diverting the waters of the Kunene on a large scale. Professor Schwarz had obtained a first-hand knowledge of the inhabitants, as well as the hydrography, of Ovamboland through his personal investigations on the spot; and in his memorandum he protested against the assignment to Portugal of the former contested or neutral zone on the natives' behalf. He did so on two grounds. In the first place he pointed out that the new frontier would partition the lands of several tribes, which in itself would inflict hardship on the tribes concerned. In the second place he protested against the subjection of those fractions of the tribes which lived north of

the line to the Portuguese régime, which he arraigned in strong terms.[1]

Mr. Stuart's petition, accompanied by Professor Schwarz's memorandum, was forwarded by the League Secretariat to the Mandatory Power for its observations, and 'a fairly voluminous documentation' was received. Thereafter, the petition was accepted by the Chairman of the Permanent Mandates Commission, the Marquis Theodoli, and was subjected to a preliminary discussion by the Commission itself during its tenth session (4th–19th November, 1926). In this discussion, on the one hand the general question was raised 'whether the Mandates Commission was qualified to deal with a petition against a treaty concluded between two countries one of which was a fully sovereign Power'. On the other hand, it was pointed out that, in the case of Ruanda-Urundi,[2] the Commission had brought to the notice of the League Assembly the fact that a boundary, previously agreed between two Powers by treaty, partitioned tribal lands, and that the contracting parties had consented to reconsider the treaty which they had concluded.[3] After the discussion the Chairman proposed to follow the ordinary procedure in regard to this petition, putting aside, however, everything which did not concern the Mandated Territory, and regarding all accusations against Portugal as null and void.

Monsieur Merlin was therefore asked to prepare a report on Mr. Stuart's petition before the next session of the Mandates Commission. Monsieur Merlin pointed out that Professor Schwarz's memorandum (which itself bore no date) was forwarded to Geneva by Mr. Stuart on the 24th May, 1926, and that it must accordingly have been drawn up before the conclusion of the agreements of the 22nd June and 1st July, 1926. Pending further information, he

[1] For quotations from Professor Schwarz's memorandum, see *The Manchester Guardian*, 18th November, 1926. The relevance of Professor Schwarz's arraignment of the Portuguese régime was somewhat affected by the fact that the Portuguese Government had agreed that all natives at present in the neutral zone who desired to come over to the Mandated Territory when the change was effected might do so freely. (*Report of the Government of the Union of South Africa on South-West Africa for the year 1926*, pp. 5–6.)

[2] See the *Survey for 1920–3*, pp. 396–7; and section (iii) of this part of the present volume.

[3] It is true that, in this case, *both* contracting parties had been Mandatory Powers, and that the frontier which had been modified, after the conclusion of a treaty, in deference to the representations of the Permanent Mandates Commission, had been a frontier between two mandated territories. Compare the modification of the boundaries between the portions of the Cameroons and of Togoland mandated to France and to Great Britain (see Section (xii) of this part of the present volume).

considered that the petition must be held to be a protest against the old régime rather than against the frontier defined in the agreement of the 22nd June, 1926. Moreover, the agreement of the 1st July served to satisfy certain *desiderata* put forward by Professor Schwarz, since it ensured that the waters of the Kunene would be used to irrigate Ovamboland. It was undoubtedly true that the Ukuanyama tribe was cut in two by the new frontier, but, according to a letter dated the 30th September, 1926, from the Assistant Secretary to the Prime Minister of the Union of South Africa, it was not anticipated that this division would give rise to frontier difficulties in future. Monsieur Merlin considered that, while the division of this tribe was regrettable on general principles, no action need be taken on Professor Schwarz's petition, in view of the fact that the frontier had at last been fixed after twenty years of uncertainty, that the natives had made no direct personal protest against the line of demarcation, and that the Prime Minister of the Union maintained that no difficulty was likely to arise.

The Permanent Mandates Commission approved Monsieur Merlin's conclusions during their eleventh session, from the 20th June to the 6th July, 1927.

In the annual report of the Mandatory Power on the administration of the Mandate for South-West Africa during the year 1927, reference was made to the 'unrest and excitement' which had arisen as a result of the division of tribal areas by the new boundary between Ovamboland and Angola, but the report added that the Ovambos affected had 'shown remarkable tolerance and understanding'. When this report came before the Mandates Commission during their fourteenth session (26th October–13th November, 1928), the Mandatory Power's accredited representative, Mr. A. J. Werth, the Administrator of South-West Africa, reported that the delimitation of the boundary had been definitively completed, and that the work of marking it out was practically finished (the boundary posts had in fact all been erected by the end of November). On the all-important question of water-supplies negotiations were in progress with the Portuguese Government. The South-West African Administration had insisted on the necessity of obtaining water for Ovamboland from the Kunene River, but while the Portuguese authorities were disposed to agree in principle, the exact points on the river from which water could be obtained were still under discussion. Negotiations with Portugal on the subject of water-rights were still in progress eight months later, when the question came up again during the fifteenth session of the Mandates Commission (1st–19th July, 1929), but the Mandatory

Power's accredited representative was then able to report that an irrigation expert had been sent to Ovamboland in order to investigate the possibility of conserving water.

(ix) The Exchange of Notes at Lisbon, on the 3rd November, 1925, between the United Kingdom and Portugal confirming the Protocol, signed at Cape Town on the 5th March, 1915, defining a section of the frontier line between the Portuguese Colony of Angola and Rhodesia.[1]

On the 30th May, 1905, the King of Italy declared at Rome an arbitration award in regard to the frontier between the Portuguese colony of Angola and Rhodesia (described in the award as the Kingdom of the Barotse). The British and Portuguese Governments subsequently appointed commissioners to carry out jointly, in accordance with the King of Italy's award, the delimitation of the section of frontier in question, that is, from the intersection of the 24th meridian east longitude and the Congo-Zambesi (Zambese) watershed to the intersection of the 22nd meridian east longitude and the 'bord oriental du lit des hautes eaux du Kwando (Cuando)' River. On the 5th March, 1915, at Cape Town, the two commissioners, having carried out the delimitation, signed, subject to ratification, a protocol describing the line agreed upon, together with a map on which the line was plotted out.

The relation of the protocol to the map was defined as follows:

> Since the names of the rivers, localities, &c., have been supplied by the natives, who frequently alter them, it is understood that, whatever modification of the names may occur at any future date, the Boundary described in this Protocol is that shown on the reconnaissance map annexed to it.

The protocol of the 5th March, 1915, was confirmed on the 3rd November, 1925, at Lisbon, by an exchange of notes between representatives of the two Governments.

(x) The Repatriation of the Boer Settlers in Angola.[2]

During the last quarter of the nineteenth century, a number of families of Boers had trekked northwards from the Transvaal and had settled in the highlands of Humpata, in the Portuguese territory of Angola. By the year 1927 it was estimated that these settlers

[1] English and Portuguese texts of the notes and the protocol, with a map, in British Parliamentary Paper *Cmd.* 2568 of 1925.

[2] See the *Report of the Government of the Union of South Africa on South-West Africa for the year 1928*, pp. 85–7; *Minutes* of the fourteenth session of the Permanent Mandates Commission, pp. 93–5.

numbered some 2,000 persons, belonging to 350 or 400 families. At that time they seem to have been living in a state approaching penury, and in addition they complained that the Portuguese authorities denied them the civil and political rights to which they considered themselves entitled. Discontent had been increasing among them for some years past, and in 1925 they had approached the Government of the Union of South Africa and asked permission to migrate either into the territory of the Union or into the Mandated territory of South-West Africa. Since the majority of the settlers were not British subjects, this request placed the Union Government in a somewhat difficult position, and they did not see their way to granting the desired permission. By the beginning of 1928, however, the members of the community felt that their position in Angola had become intolerable,[1] and an advance-guard trekked southwards, apparently with the intention of throwing themselves on the mercy of the Union Government. The trekkers arrived at the Kunene River, which formed the boundary between Angola and South-West Africa, early in 1928, but the Administrator of the mandated territory refused to allow them to enter the territory, on the ground that there was lung sickness among their cattle. A deputation from the trekkers, which went to Cape Town to interview the Union Government, succeeded in arousing considerable sympathy with their plight, and at the end of February the Union Government announced that they were considering means for helping the Angola settlers and enabling them to become Union nationals. The Portuguese authorities were approached and made no objection to the departure of the settlers from Angola, and during the course of the year 1928 a scheme was evolved for the settlement of the whole community on blocks of farms in South-West Africa.

The scheme provided for the settlement of the majority of the farmers in the Gobabis district, where there was a large area of fertile but uncultivated land. The Administration was anxious to open up this area, but until a projected railway line connecting Windhoek with Johannesburg was constructed, the Gobabis district, which was in the neighbourhood of the Kalahari desert, was isolated, and many of the farms would be 100 or 150 miles distant from a town. It was therefore essential to secure a particularly hardy type of settler, and

[1] They seem to have been under strict police supervision and to have been unable to move about without police authority (see the *Minutes* of the fourteenth session of the Mandates Commission, p. 94). The last straw, apparently, was the refusal of the Portuguese authorities to recognize a Consul appointed by the Government of the Union of South Africa, on the ground that the individual selected for the post was not *persona grata*.

the Angola farmers appeared to fulfil all the requirements. There was, however, a certain amount of opposition in South-West Africa to the settlement scheme, and the Germans, who were at that time in a majority of one on the Legislative Assembly, voted against it. The Union Government made themselves responsible for the financial side of the scheme,[1] which it was estimated would cost at least £350,000, but the political opposition in South-West Africa created difficulties for the Administration, and further problems arose owing to the unexpectedly rapid influx of settlers into the Mandated Territory.

An official organization was put in charge of the arrangements for the trek from Angola, and transport plans were based on an estimate that the trek as a whole would take from fifteen to eighteen months; but as soon as the Boers left in Angola heard that there was land available in South-West Africa, they emigrated *en masse* to the Kunene River district. It was impossible to leave them there, owing to the danger of malaria, and they were concentrated in a base camp at Gamkarab, about half way between Gobabis and Swartboois Drift, the point at which the trekkers crossed the Kunene River. On the 4th February, 1929, 74 families had reached Gobabis, there were 148 at Gumkarab, and about 105 at Swartboois Drift, and it was estimated that there were still about 35 families on their way from Humpata to the Kunene River.[2]

(xi) The Negotiations between the Belgian and the Portuguese Governments regarding the Improvement of the Economic Outlets of the Belgian Congo.

The Belgian Congo, which had inherited the frontiers assigned to the Congo Free State in the partition of Tropical Africa between European Powers during the last quarter of the nineteenth century, was virtually a land-locked territory. With an area of 910,000 square miles and a land frontier 5,728 miles long, it possessed only 25 miles of coastline, even reckoning in the northern shore of the Congo estuary up to Matadi. The River Congo itself, which gave its name to the colony and constituted its principal artery, had several serious defects as a water-way. In the first place the river did not flow wholly

[1] The original intention had been to place settlers from the Union of South Africa in the Gobabis district, and the Union Government had been prepared to finance this scheme. The replacement of Union settlers by the Angola farmers did not therefore impose much additional expenditure upon the Union Government.

[2] *Report on South-West Africa for 1928*, p. 86.

within Belgian territory. Along a section stretching for 220 miles, from the confluence of the Ubangui River to a point 87 miles below Léopoldville, the Congo River constituted the international frontier between the Belgian colony and French Equatorial Africa. Again, the southern shore of the estuary, from a point 8 miles below Matadi downwards, lay within the Portuguese colony of Angola. Thus the Belgian colony only debouched upon the South Atlantic through a narrow corridor of Belgian territory, and this corridor was intersected diagonally by the course of the Congo River. This intersection of the corridor would have been less inconvenient if the lower course of the Congo had been continuously navigable. As it happened, however, the estuary was only navigable for sea-going vessels up to Matadi. The section between Matadi and Léopoldville, just where the river intersected the corridor, was unnavigable; and the system of water-ways open to inland navigation did not extend below Léopoldville. The gap between this lower limit of inland navigation at Léopoldville and the upper limit of ocean-going navigation at Matadi had to be bridged by a railway running on the south side of the river; and the zone through which it was possible for this railway to pass was narrowly restricted by the convergence of the River Congo with the frontier between the Belgian colony and the Portuguese colony of Angola (the frontier line striking the southern bank of the Congo estuary, as has been mentioned, at a point 8 miles below Matadi).

It will be seen that the communications of the Belgian Congo with Belgium and all other countries overseas depended, if they were to avoid traversing foreign territory, upon the efficiency of the Matadi-Léopoldville Railway. In 1926 this railway was under reconstruction, and on the 8th August of that year, in order to expedite the completion of the work, the Belgian Colonial Council requested the Belgian Government to approve a decree authorizing the recruitment (subject to certain guarantees regarding conditions of work) of 9,000 natives for the benefit of the Matadi Railway Company. In consequence of public criticism which was evoked by this action, both in Belgium and elsewhere, the Belgian Council of Ministers decided on the 11th August, 1926, not to approve the decree; but, in view of the urgency of the work, other ways and means of expediting it were considered.

One suggestion was that Asiatic labour might be imported temporarily for the purpose. Another suggestion was that, under the formula of a rectification of frontier, Portugal might be persuaded to cede to Belgium a parcel of Angolan territory near Matadi in the

direction of Ango-Ango. Notwithstanding the insignificant area of the territory in question, apparently the transference of it to the Belgian Congo would have made it possible to improve the alinement of the Matadi-Léopoldville Railway sufficiently to effect a considerable reduction in the time required for the work of reconstruction. This suggestion was ventilated in the Belgian Press, and was reported to have been the subject of tentative overtures to the Portuguese Government on the part of the Belgian Government. It encountered, however, a serious obstacle in that sensitiveness of the Portuguese people and Government in regard to the integrity of Portuguese colonial possessions which has been mentioned in this volume already in another connexion.[1] The Portuguese were reluctant to commit themselves to any step which might conceivably be taken as a precedent for forcing upon them, at some later date, the alienation of the whole or part of their surviving colonial empire.

Thus, for the time being, there seemed little prospect of substantially improving the outlet of the Belgian Congo to the Atlantic through Belgian territory in the Léopoldville-Matadi corridor; and this check led the Belgians to turn their attention to the possibility of alternative outlets across the Portuguese colony of Angola. Among the most valuable assets of the Belgian Congo were the Katanga copper mines, situated in the extreme south of the colony. At this time the Katanga ore was exported over the Rhodesian Railways (which had been extended across the Anglo-Belgian frontier to Katanga and beyond) to the port of Beira in Portuguese East Africa. This route, however, was circuitous; it traversed successively two foreign territories; and it delivered the ore for shipment at an east-coast port which was comparatively remote from the European and American markets. If Katanga were to be connected by railway with an Atlantic port in the Portuguese colony of Angola, a three-fold advantage would accrue: the railway mileage would be greatly reduced; the new route would traverse only one foreign territory instead of two; and it would deliver the ore for shipment at a port which would be considerably nearer to the European and American markets than Beira. The Angolan port indicated by nature was Lobito Bay, which was the nearest port to Katanga as the crow flies, and which was already linked with the hinterland by a section of railway running in an easterly direction, which covered about two-fifths of the distance between the Atlantic coast and the Portuguese-Belgian frontier.

The project of extending the Lobito Bay Railway to the frontier,

[1] See pp. 276–7 above.

and thence through Belgian territory to Katanga, had been taken up as a commercial proposition as early as 1913; but an attempt, made in 1922, to raise a loan for the purpose on the London money market under the British Trade Facilities Act of the 10th November, 1921, with the British Government's guarantee, had been frustrated as a result of a protest addressed to the British Imperial Government by the Government of the Union of South Africa, where General Smuts was at that time in office as Prime Minister. The Union Government were not concerned over the proposed diversion of the Katanga ore from Beira to Lobito Bay, since the Katanga-Beira route did not in any case traverse Union territory. The ground of their objection was that Rhodesia was likely to employ the new route to Europe via Katanga and Lobito Bay in preference to the far longer route via Cape Town. The effect of this would be not only to diminish the traffic on the South African railways but to jeopardize the prospects of the projected railway from Rhodesia, across the mandated territory of South-West Africa, to Walvis Bay, since the Walvis Bay route to Europe, though shorter than the Cape Town route, would still be less direct than the Lobito Bay route. Thus South-West Africa would forfeit the possibility of securing an economic hinterland in Rhodesia; and the orientation of Rhodesia towards Lobito Bay instead of Walvis Bay or Cape Town might have political as well as economic consequences. By freeing Rhodesia from dependence upon the Union for her communications with Europe, it would remove one of the strongest incentives which she had for joining the Union, and would so increase the likelihood that the already stronger motives which inclined her to hold aloof would continue to prevail. In 1926, however, General Hertzog's Government, at the Rhodesian Government's request, refused to renew the protest which had been lodged by General Smuts's Government against the financing of the Lobito Bay Railway on the London money market under the Trade Facilities Act.[1] The principal obstacle to the execution of the scheme as a commercial proposition was thus removed.

On the Portuguese side, negotiations for the building of a Lobito Bay–Katanga Railway, and for other improvements in the communications between Angola and the Belgian Congo, were not unwelcome, since they promised to promote the economic prosperity of Angola without creating any precedent that might be open to objection from the Portuguese point of view. Accordingly, suggestions

[1] See *The Times*, 23rd April, 1926, for an account of the discussion of this matter between General Smuts and General Hertzog in the Union Parliament on the 22nd April.

for a Belgo-Portuguese conference 'with a view to studying matters of mutual interest relating to Angola and the Belgian Congo, and to strengthen[ing] the friendly relationship and neighbourliness of the two countries'[1] were favourably entertained by the Portuguese Government; and on the 7th October, 1926, the Portuguese Foreign Minister announced that, while his Government had 'no thought of alienating, by exchange or sale, one foot of Portuguese territories either to Belgium or to any other country',[2] he hoped that Belgium would accept the idea of a Belgo-Portuguese conference for the objects cited above.

Accordingly, a joint Belgo-Portuguese Colonial Commission met at Lisbon during December 1926 and sketched out the first drafts of five conventions dealing respectively with railway traffic between the Belgian Congo and Lobito Bay; the raising of the level of the waters of the River M'poso (which rose in Angola and flowed into the Belgian province of Bas Congo) by the construction of a barrage in Belgian territory; the linking up of the road systems of Angola and the Belgian Congo; the simplification of customs formalities and the control of arms traffic; and the concerting of measures against sleeping-sickness and other epidemics. The two Governments agreed that a conference should be held in the near future in order to work out the final texts of these conventions and devise ways and means of putting them into effect.

The original intention was, apparently, that territorial questions should be ruled out of the discussions; but, during the interval before the Belgo-Portuguese conference opened at São-Paulo de Loanda in July 1927, a means was found of overcoming those Portuguese objections to the alienation of any territory which had hitherto hampered the reconstruction of the Matadi-Léopoldville Railway. The Portuguese Government now agreed to cede to Belgium a square mile of territory near Matadi which would give the easy gradient needed for the Matadi-Léopoldville Railway, in return for the cession by Belgium of the district known as the 'boucle de Dilolo'— a piece of land about 480 square miles in extent at the south-west corner of the Belgian Congo, which projected westwards into Angola beyond the normal frontier line. This territory was well-watered and fertile, and its possession would give control over an additional 40 or 50 miles of the projected railway between Katanga and Lobito Bay. Thus the *quid pro quo* which Belgium offered was sufficiently tempting to induce the

[1] Statement issued by the Portuguese Embassy in London and published in *The Times*, 13th October, 1926.
[2] *The Times*, *loc. cit.*

Portuguese Government to sacrifice their principles and retreat from the position which they had taken in the previous discussions.[1]

A convention providing for this exchange of territories was signed at São-Paulo de Loanda on the 22nd July, 1927. In addition to defining the exact limits of the portions of territory which were to be transferred (Arts. 1 and 2), the convention (Art. 3) laid it down that Belgium should 'begin to construct a junction-line from her railway system to meet the Portuguese railway at a point on the River Luao' (which, in accordance with Article 1, was to form part of the new frontier between Angola and the Belgian Congo). The exact point of junction was to be determined subsequently by mutual agreement. In a separate convention 'regarding the Katanga Traffic through the port of Lobito and the Benguela Railway', which was signed on the 21st July, the Belgian Government undertook to complete the junction-line within five years of the date on which the Benguela Railway reached the Belgian-Congo frontier. This railway convention of the 21st July also laid down the conditions of traffic along the Katanga-Lobito Bay line.[2] Belgian subjects and Belgian goods were to enjoy freedom of transit across Angola and national treatment in respect of taxes and tariffs of all kinds, and Belgian vessels entering the port of Lobito were likewise to be accorded national treatment. The Portuguese Government undertook to simplify customs formalities and to provide the port of Lobito 'with the installations required to meet the needs of national and international trade under technical conditions similar to those obtaining in other ports of the same kind'.

Two other conventions were concluded at São-Paulo de Loanda: a sanitary convention, prescribing the measures to be taken on the frontier against certain infectious diseases, which was signed on the 19th July; and a 'convention regarding various questions of economic interest',[3] which was signed on the 20th July, 1927. This

[1] The territorial exchange does not appear to have aroused hostile comments in Portugal, but the arrangement was criticized as too bad a bargain in Belgian colonial circles.

[2] In its general lines, the convention was modelled on the Anglo-Belgian agreement of the 15th March, 1921 (text in British Parliamentary Paper *Cmd.* 1327 of 1921), relating to traffic between the Belgian Congo and the port of Daru's-Salam in the British mandated territory of Tanganyika, via the ex-German railway between Daru's-Salam and Lake Tanganyika. In the Anglo-Belgian convention, however, provision had been made for the lease in perpetuity to Belgium of sites in the ports of Daru's-Salam and Kigoma which were to be utilized only for the traffic of goods in transit to or from the Belgian Congo. The legislation of Angola precluded the adoption of similar arrangements as between Belgium and Portugal.

[3] This convention combined three of the five conventions proposed by the Mixed Commission in December 1926.

economic convention dealt with the questions of road construction, the M'poso Dam, arms traffic, and the customs régime. The two Governments agreed gradually to 'connect their network of roadways by branch roads across the common frontier', and in the case of three specified roads in Belgian territory the Belgian administration undertook that construction should be completed within eighteen months of the completion of the Matadi-Léopoldville Railway. In regard to the M'poso barrage, the Portuguese Government's consent to its erection and to the raising of the level of the river was given subject to certain conditions, the most important of which entitled the Portuguese Government or their nationals to obtain, at cost price, an amount of electrical power equal to 15 per cent. of the total produced by the dam.

The four conventions signed at São Paulo de Loanda between the 19th and the 22nd July, 1927, came into force on the 2nd March, 1928, when ratifications were exchanged at Lisbon.[1] The supplementary agreement contemplated in Article 3 of the convention of the 22nd July, 1927, defining the point of junction on the River Luao of the Portuguese and Belgian sections of the Katanga-Lobito Bay Railway, was signed on the 14th April, 1928.

On the 27th November, 1927, the Portuguese section of the Katanga-Lobito Bay Railway reached Luacano, on the old frontier between Angola and the Belgian Congo, and in August 1928 the point of junction with the Belgian section on the River Luao, forming the new boundary, was reached. The formal opening of the line by the Portuguese Minister for the Colonies took place at Luao on the 10th June, 1929. The presence at the opening ceremony of Prince Arthur of Connaught and of delegates from the Union of South Africa and from North and South Rhodesia, as well as from the Belgian Congo, was a proof of the importance of the Katanga-Lobito Bay Railway not only for Angola and the Congo but also for the neighbouring British territories.[2]

[1] The texts of all four conventions are printed in *League of Nations Treaty Series*, vol. lxxi.

[2] The construction of the Lobito Bay Railway was due to British initiative. The line had been built with British capital (10 per cent. only of the shares being allotted to the Portuguese Government), under a 99-years concession granted in 1902 to a subsidiary company of Tanganyika Concessions, Ltd.—a company which played a leading part in mining developments in the southern part of the Belgian Congo. The chairman of Tanganyika Concessions, Sir Robert Williams, to whose personal efforts the construction of the line was mainly due, was present at the opening ceremony at Luao on the 10th June, 1929. For a description of the railway and of the country through which it passed, see a series of special articles published in *The Daily Telegraph* between the 30th July and the 10th August, 1929.

In the meantime work was also in progress on the line running eastwards from the Angolan-Congo frontier through Belgian territory. In September 1927 a company had been formed in Brussels to finance both the completion of the Bas Congo-Katanga Line and the junction of the Katanga Line with the Lobito Bay Railway. The Bas Congo-Katanga Railway connected Bukama—the terminus of the Northern Rhodesia line connecting the Belgian Congo with Cape Town and with Beira—with Ilebo (Port Francqui) on the Kasai River, whence there was a steamer service to Léopoldville.[1] The linking-up of two sections of the Bas Congo-Katanga Railway on the 13th February, 1928, thus meant the establishment of through-communications from Cape Town and Beira to Matadi. Pending the completion of the Lobito Bay Railway and its junction with the Katanga Line at Tshilongo—an event which was expected to take place about the end of 1930—a connecting service of motor-cars was run during the dry season. Thus by the end of the year 1929 direct communications had been established between the Katanga district and four ports—Cape Town, Beira, Lobito Bay, and Matadi.

(xii) The Delimitation of the Frontiers between the portions of the Cameroons and of Togoland mandated to France and to Great Britain.

When, in May 1919, the Supreme Council at Paris allocated the Mandates over former German territories in Africa, they decided that in the case of Togoland and the Cameroons it should be left to France and Great Britain to make joint recommendations to the League of Nations regarding the future of the territories. These joint recommendations, which were duly made on the 17th December, 1920, were to the effect that:

> the territories of Togo and the Cameroons should be placed under a mandate, but that the terms of the mandate should take into account, firstly, the interests of the natives, up till now artificially separated from the areas occupied by people of the same race, and, secondly, the peculiar features of the areas to which the mandate will apply, particularly the administrative difficulties which would be created by an attempt to constitute these areas into separate and distinct political units.[2]

[1] It was the intention of the Belgian Government to continue the railway line from Ilebo to Léopoldville, thus providing through-communication by rail.

[2] *Cmd.* 1350 of 1921, p. 2. The French sections of Togoland and the Cameroons were administered as separate units, but the British Government took advantage of the permission accorded by 'B' Mandates to the Mandatory Power 'to constitute the territory into a customs, fiscal or administrative union or federation with the adjacent possessions under his sovereignty or control;'

The draft Mandates which the two Powers submitted for the approval of the Council of the League divided both Togoland and the Cameroons into two portions. The western sections (bordering respectively on the British colonies of the Gold Coast and Nigeria) were mandated to Great Britain, and the eastern and larger sections (bordering respectively on the French colonies of Dahomey and Equatorial Africa) were mandated to France. The division of the territories had been the subject of two Anglo-French declarations[1] signed in London on the 10th July, 1919, by Lord Milner and Monsieur Henry Simon, and in these declarations the frontier lines between the British and French spheres had been defined. At the same time, provision had been made for the 'local delimitation' of the boundaries, and it had been stipulated that the Boundary Commissioners appointed to carry out this local delimitation should be authorized 'to make such minor modifications of the frontier line as may appear to them necessary in order to avoid separating villages

and the British sections of Togoland and the Cameroons were incorporated, for administrative and fiscal purposes, with the Gold Coast and Nigeria, respectively. From the point of view of the Permanent Mandates Commission these arrangements gave rise to certain difficulties, which were indicated in the following passage from the Commission's report to the Council on its Fifth Session (23rd October–6th November, 1924):

> 'In view of the geographical configuration of these two territories [the Cameroons and Togoland] and the ethnical composition of their populations, the Commission is fully prepared to admit that the measures adopted by the Mandatory Power may be the best calculated to ensure good administration and consequently the well-being of the population. It desires to add that these measures are, moreover, expressly authorized by the terms of the Mandate, provided that they do not lead to any infringement of the general provisions thereof. Among these provisions, that relating to the presentation of the annual reports is of particular importance to the Permanent Mandates Commission. If, as a result of incorporating the mandated territories with its neighbouring colonies, the Mandatory Power found it impossible to submit a report which would enable the Commission clearly to appreciate the nature and character of its mandatory administration . . . such incorporation would *ipso facto* appear to be incompatible with the spirit of Article 22 of the Covenant . . . The reports still contain gaps, especially in financial matters, which the Commission feels it should bring to the notice of the Council . . . Most of the items of revenue and expenditure, both in the general budget and in the local budgets, are common to the mandated territories and to the neighbouring colonies. It has been impossible for the Commission, on the strength of the very summary indications given in the two reports, to gain a clear idea of the financial situation.'

The Commission went on to say that it would be satisfied 'with budgets and accounts based either wholly or partially on estimates'; and in subsequent years the Mandatory Power appears to have found it possible to supply financial estimates of the kind desired.

[1] Texts in the British White Paper *Cmd.* 1350 of 1921.

from their agricultural lands'. The Mandates, as they were approved by the Council of the League of Nations on the 18th July, 1922, also provided for the possibility of slight modifications in the frontier lines by mutual agreement between the Mandatory Powers.

In 1923 the question of the frontier in the Cameroons was raised by the British authorities on the spot in terms which made it appear that a situation had arisen similar to that in East Africa, where a rectification of the frontier between the British and Belgian mandated territories of Tanganyika and Urundi had been found necessary to avoid the partition of the native kingdom of Ruanda between the two mandated spheres.[1] In April 1923 the British Resident in the Bornu Province of the Northern Cameroons reported[2] that the division of tribal areas in the district under his administration was giving rise to practical difficulties and to considerable resentment among the population, and he recommended the immediate appointment of a Boundary Commission with extensive powers to rectify the frontier lines. His views were confirmed by the Acting Lieutenant-Governor of the Northern Provinces of Nigeria, with which the northern part of the British Cameroons was incorporated for administrative purposes. When the report on the Cameroons for the year 1922 came before the Permanent Mandates Commission during their third session (20th July–10th August, 1923), it was agreed that the Milner-Simon line, having been drawn in Paris without being based on local knowledge, would probably need substantial modification, and the Council of the League was asked to ascertain the views of the French Government on the subject.[3] A year later, however, Mr. Ormsby-Gore, the accredited representative of Great Britain at the Permanent Mandates Commission's fourth session, was able to inform the Commission that the British Government had gone into the question and had come to the conclusion that it was not necessary to ask for any 'far-reaching changes of the Milner-Simon boundary' in the Cameroons. They would be content 'if a few quite minor adjustments could be adopted by mutual and local consent'.[4] The French Government, as early as 1921, had informed the British Government that they would be prepared to consider rectifications

[1] See the *Survey for 1920–3*, Part V, Section (iii), and Section (iii) of this part of the present volume.

[2] His statements were incorporated in the Mandatory Power's report on the Cameroons for the year 1922.

[3] *Minutes* of the Third Session of the Permanent Mandates Commission, pp. 154–5; *Report* on the Third Session, p. 2.

[4] *Minutes* of the Fourth Session of the Permanent Mandates Commission, p. 133.

of the Milner-Simon frontier lines,[1] and there were therefore no political difficulties to be overcome. Negotiations between the British and French authorities opened in 1925, and from 1926 to 1928 Mixed Boundary Commissions were engaged in the actual delimitation of the boundaries both in the Cameroons and in Togoland. The two Governments agreed that the 1919 frontier lines should be adhered to as closely as possible, and no substantial variation from those lines appears to have been found necessary, though in Togoland the Commissioners recommended the exchange of a small area in British territory for an area of approximately equal size in French territory. By the end of 1928 both the Mixed Commissions had practically finished their work. In July 1929, during the fifteenth session of the Permanent Mandates Commission, the accredited representative of the French Government reported that, in regard to the Togoland frontier, the arrangements recommended by the Boundary Commission appeared to give general satisfaction to the tribes concerned as well as to the French and the British Governments, and he anticipated that a final protocol would be signed in the course of the next few months. In the case of the Cameroons, the Permanent Mandates Commission were informed that complete agreement, except on a few points of detail, had been reached between the officers engaged in the delimitation of the boundary, and that negotiations for a final protocol were in train.[2]

[1] Comments by the accredited representative of the French Government on the Permanent Mandates Commission's observations concerning the reports on the territories of the Cameroons and Togoland under French Mandate during the year 1923 (League of Nations Document A 26. 1924. VI).

[2] See the reports on British Togoland and the British Cameroons for the years 1925 to 1928, and the *Minutes* of the Permanent Mandates Commission, Sixth Session, p. 172; Seventh Session, p. 36; Ninth Session, p. 85; Tenth Session, pp. 105 and 109; Twelfth Session, pp. 72 and 88–9; Thirteenth Session, p. 79; Fourteenth Session, pp. 18–20, 142; Fifteenth Session, pp. 24 and 132.

PART IV

THE FAR EAST AND THE PACIFIC

A. CHINA

(i) The Progress of Reconstruction and the Recrudescence of Civil War.

In 1929, as in previous years, the foreign relations of China were so closely interwoven with her internal affairs that it would be hardly possible to give an intelligible account of them without prefacing this, once again, with a short survey of the more important internal events of the year.

In 1928, the reunification of the territories of the Chinese Republic, by force of arms, under the Kuomintang flag had been completed—two years after the launching of the Northern Expedition from Canton—by the entry of Yen Hsi-shan's troops into Peking on the 8th June[1] and the hoisting of the flag in the Three Eastern Provinces on the 29th December.[2] This victorious termination of the war against the Northern War Lords had been followed by certain steps towards reconstruction: for example,[3] the inauguration of a written constitution for the Kuomintang Central Government of the Republic at Nanking, the assertion of the authority of the Ministry of Finance by the able and energetic Minister Mr. T. V. Soong, and the convocation, at Nanking on the last day of the year, of a Conference on the Reorganization and Disbandment of the Army. In the Organic Law, promulgated on the 3rd October, 1928, it had been announced that 'the period of militarism'—the first of the three stages of revolution through which China had to travel according to the doctrine of Dr. Sun Yat-sen—had at length passed over into the second stage: 'the period of tutelage'.[4]

Thus far, the star of the Kuomintang had been steadily in the ascendant; but the year 1929 saw it distinctly decline—though whether this decline were destined to be permanent was a question on which it was impossible to make any forecast at the time of writing, in February 1930.

The troubles which descended upon the Kuomintang in the course of the year 1929 may be traced to several causes. In the first place, the exigencies of 'the period of militarism' had led the Kuomintang

[1] *Survey for 1928*, p. 378.
[2] *Op. cit.*, p. 383.
[3] *Op. cit.*, pp. 387–94.
[4] *Op. cit.*, p. 389.

Party to build up a military power which proved even more difficult to liquidate, when it had done its work, than it had been to create in the time of need. There was a tendency for the Kuomintang commanders, from General Chiang Kai-shek downwards, to escape from the civilian control of the Party in whose service they had risen and to play for their own hand in the manner of the War Lords whom they had been instrumental in overthrowing. Secondly, the Kuomintang forces had not been strong enough to overcome the confederacy of Northern War Lords (the Ankuochün) without taking into alliance a number of independent military leaders who did not surrender the control of their own troops to the Kuomintang Commander-in-Chief, and whose co-operation was dictated by motives of personal self-interest rather than by an idealistic belief in the principles for which the Kuomintang was supposed to stand. One of these converted militarists, 'the Young Marshal' Chang Hsüeh-liang, ruled a domain in Manchuria (the so-called 'Three Eastern Provinces') which was geographically more or less isolated from the provinces inside the Great Wall and which could remain virtually autonomous without seriously embarrassing the Nanking Government—the more so inasmuch as 'the Young Marshal', warned by the experience of his father, Chang Tso-lin,[1] showed a decided disposition to refrain from interfering in the affairs of China Proper. There were two other military leaders who likewise possessed more or less isolated domains of their own—Yen Hsi-shan in Shansi and Fêng Yü-hsiang in Shensi and Kansu—but who had divided, or still aspired to divide, the spoils of the Ankuochün with the Nanking Government. Yen (with the Nanking Government's consent) had occupied a large part of Hopei (Chihli), including the former national capital, Peking (now re-named Peiping and degraded to the rank of a provincial capital). Fêng had occupied Honan and meditated occupying Shantung, and so obtaining access to the sea, as soon as the Japanese forces withdrew from Tsinanfu and the line of the Tsinanfu-Tsingtao Railway.[2] Finally there were several commanders, all belonging to the so-called 'Kwangsi Group', who occupied territory in the Basin of the Middle Yangtse or along the Southern Littoral, where the Nanking Government could hardly tolerate any recalcitrance towards their authority without practically abdicating their claim to be the Government of all China. Unlike Chang, Fêng and Yen, who had inherited or acquired their power outside the Kuomintang, before they had entered into alliance with it, the commanders of the 'Kwangsi Group' had risen to

[1] *Survey for 1928*, p. 378.
[2] For the Japanese occupation of this sphere, see *op. cit.*, pp. 403–13.

power in the Kuomintang service, like General Chiang Kai-shek. In their conflict with Chiang, the military power of the Kuomintang was divided against itself.

The third cause of the Kuomintang's troubles in 1929 was the fact that, in stepping into the former militarists' shoes, its civilian as well as its military leaders had insensibly come to adopt something of the militarists' outlook and bearing towards the civilian population, and had largely fallen out of touch with those currents of popular feeling and opinion which had contributed so much towards the Party's remarkable rise to the position of supreme political power in China. Moreover, in moving towards the right, the dominant faction in the Kuomintang had not only lost the sympathy of the masses but had fallen out with its own Left Wing; and this wing, having been excluded from the counsels of the Party, re-entered the lists in 1929 as a rival claimant for popular support on the ground that it still stood for the original principles of the Party from which the Right Wing had fallen away.

Through the combined effect of these several causes, the history of the Kuomintang—and therewith the history of China—was less happy in 1929 than it had been in 1928, as will be seen from the following short survey of the internal events of the year.

In the preceding volume, the internal history of China has been carried down to the meeting of the Disbandment Conference on the 31st December, 1928. As has been mentioned,[1] this Conference was representative of those military leaders in whose hands the issue lay, since it was attended by Chiang Kai-shek, Fêng Yü-hsiang, and Yen Hsi-shan in person, as well as by members of 'the Kwangsi Group' and by a delegate from Chang Hsüeh-liang. The Conference had certain figures placed before it, and certain desiderata submitted to it, by the Finance Minister of the Nanking Government, Mr. T. V. Soong. Mr. Soong asked for a drastic reduction of the establishment and showed that even if the ideal of reducing the army to a total of fifty divisions were attained, the cost would still be $192,000,000 (Mex.) and the consequent deficit on the budget $60,000,000 (Mex.). He also asked for certain general reforms in financial administration.[2] The military commanders, on their side, showed themselves more amenable to the latter demands than to the former. On the 18th January, 1929, it was announced that the Conference had agreed upon a reduction of the army by 500,000, leaving a residue of about 700,000 consisting of sixty-five divisions, eight cavalry, and sixteen artillery brigades. The Conference also arranged for the apportion-

[1] *Op. cit.*, p. 394.

[2] See p. 305 below.

ment of territory between the several army groups, and it was reported that all the principal commanders had consented to surrender political authority to the State Council at Nanking and to permit the Ministry of Finance to control military expenditure as well as to extend the Government's measures of taxation and financial reform throughout the country.

While it remained to be seen whether these promises would be carried out and the ground be cleared for positive reconstruction by this negative but vital preliminary reform, the Nanking Government took one series of steps which it was immediately within their power to take: they appointed a number of foreign advisers, and these in several different spheres.

In the preceding volume[1] it has been mentioned that a distinguished German officer, Colonel Maximilian Bauer, had arrived in China in November 1928 in order to act as an adviser to General Chiang Kai-shek—not on behalf of the German Government but on a purely private engagement. At first Colonel Bauer's functions had been in some doubt; but the suggestion that he had come to advise General Chiang Kai-shek on other than military matters seems to have been soon abandoned, and he was either accompanied or followed to China by a party of other German officers who took service with the Nanking Government on the same terms. Colonel Bauer was said to have been largely responsible for the rapidity and completeness of General Chiang Kai-shek's victory over 'the Kwangsi Group' in the spring of 1929.[2] On the 6th May, however, he died at Shanghai of small-pox, which he had contracted on board a Chinese warship on the Yangtse while directing operations against the Kwangsi forces at Wuhan. On the 2nd September it was announced that, in succession to Colonel Bauer, General Chiang Kai-shek had appointed Colonel Kriebel, a former member of the Bavarian General Staff, as his principal military adviser.

On the 18th March, 1929, it was announced in the House of Commons at Westminster, by the First Lord of the Admiralty in the Conservative Ministry then in office, that informal inquiries had been received by the British Government as to whether they would be prepared to give the Chinese Government a loan of British naval officers, and that the British Government had replied that, while they were unable to give such assistance so long as the China Arms Embargo agreement remained in force, they would be happy to give it as soon as the restrictions were removed. The Arms Embargo Agreement was actually cancelled as from the 26th April, 1929;[3] and

[1] *Op. cit.*, p. 397. [2] See p. 304 below. [3] *Op. cit.*, p. 396.

at the beginning of July 1929 it was announced by the Foreign Office in Whitehall that an agreement had been signed between the British and Chinese Governments providing for the training of Chinese naval cadets in England, and the engagement by the Chinese Government of a British naval mission to assist in the development of the Chinese navy.

Early in February 1929 there arrived in China a financial commission of American experts privately engaged by the Nanking Government, under the leadership of Dr. Edwin Kemmerer, who brought with him seven colleagues, nine assistants, and a proportionately numerous secretarial staff. These experts were to make a comprehensive survey of the financial conditions of China, but their functions were to be purely advisory, not executive.

Perhaps the most important and interesting appointment was that of a British subject, Sir Frederick Whyte, to be Political Counsellor, not to a single department of state, but to the Nanking Government as a whole. The appointment was announced on the 5th March, 1929. Sir Frederick Whyte made it a condition of his acceptance that he should serve without payment. An American citizen, Mr. T. F. Millard,[1] received a similar appointment about the same time.

At the official invitation of the Nanking Government, China was visited by the Director of the International Labour Office, Monsieur Albert Thomas, at the beginning of the year.

Dr. Ludwik Rajchman, Director of the Health Organization of the League of Nations, arrived in Shanghai on the 9th November, 1929, on an official invitation from the National Government, to conduct inquiries into Chinese Public Health. His primary object of study was maritime quarantine, but his services were found valuable in other fields of Health; and his analysis of the situation made a profound impression in Nanking. His visit did much to bring home to the Chinese the true character and function of the League.[2]

These temporary or permanent invitations to foreign experts indicated that the Nanking Government were both anxious for reconstruction and unhampered by xenophobia. Nor was xenophobia apparent in their policy towards the old-established public services which had a foreign element in their staffs. In the Maritime Customs Service, for example, they instructed the newly appointed

[1] Previously correspondent of the *New York Herald*.

[2] For the official account of Dr. Rajchman's work in China see 'Proposals of the National Government of the Republic of China for Collaboration with the League of Nations on Health Matters'. (League of Nations document C. 118. M. 38. 1930. III.)

foreign Inspector-General, Mr. F. W. Maze,[1] to take steps for giving Chinese employees equality of opportunity with foreigners, but they did not seek to reverse the previous roles by placing foreign employees under disabilities.[2]

The first trouble of the year 1929 was the re-emergence of the ex-Tuchün of Shantung, Chang Tsung-ch'ang, who had been living in asylum at Dairen in the Japanese Leased Territory of Kwantung since the destruction of his army at Tongshan in the preceding autumn.[3] On the 19th February, 1929, Chang Tsung-ch'ang landed, from Dairen, at Lungkow, a small port on the north coast of his former province, to the west of Chefoo; and he occupied Chefoo itself[4] on the 27th March, when the Nanking Government had their hands full with the campaign against 'the Kwangsi Group'.[5] On the 23rd April, however, after the Kwangsi commanders had collapsed, Chefoo was reoccupied by the Nanking Government's forces—Chang Tsung-ch'ang evading capture and retiring by sea to his former asylum at Dairen.

More serious than this isolated raid by one of the least reputable of the former Northern War Lords was the cleavage in the ranks of the Kuomintang. In preparation for the forthcoming third session of the National Congress of the Kuomintang Party, General Chiang Kai-shek, on the 3rd February, 1929, issued a manifesto of a distinctly conservative complexion,[6] in which, among other injunctions, he vetoed the return from exile of Mr. Wang Ching-wei, the leader of the Left Wing of the Party.[7] The Left Wing retorted in the Kiangsu Provincial Council, in which they commanded a majority, by passing resolutions demanding the recall of Wang Ching-wei and censuring certain of Chiang Kai-shek's supporters. The Right Wing, which controlled the Central Executive Committee at Nanking, ensured itself of a majority through a ruling that the Committee was empowered to nominate delegates to sit in place of absentees (the absentees included such notable figures as Fêng and Yen) and through

[1] For the appointment of Mr. Maze on the 10th January, 1929, see the *Survey for 1928*, p. 400.

[2] See the statement of policy in regard to Chinese employees in the Customs service in Mr. T. V. Soong's *Annual Report for the Fiscal Year July 1928 to June 1929* (Nanking, 1930), p. 4.

[3] *Survey for 1928*, p. 379.

[4] He had already reoccupied Chefoo once before: from the 23rd July to the 3rd September, 1928 (*op. cit.*, p. 379).

[5] See pp. 303–4 below.

[6] The tone of this manifesto reflected the momentary exigencies of policy rather than the personal bias of the author. Personally General Chiang Kai-shek was reported to have retained his original inclination towards the Left.

[7] For Mr. Wang Ching-wei's career see the *Survey for 1927*, Part III, section (ii), especially pp. 335, 349, and 353–4.

its distribution of the seats assigned to branches of the Party overseas. After the Congress, thus 'packed', had opened at Nanking, on the 15th March, it proceeded on the 27th to amend Article 29 of the Constitution of the 3rd October, 1928, so as to read:

> The organization of the National Convention, the election of delegates, and the quota of delegates from each locality shall be determined by the Central Executive Committee.

A manifesto, denouncing the tactics of the Right Wing and declaring that more than 80 per cent. of the delegates had been appointed by the Party Headquarters, was published in the International Settlement at Shanghai over the names of Wang Ching-wei and twelve of his colleagues; but the Congress was in General Chiang Kai-shek's hands, and he made effective use of it as an engine against his most dangerous enemies at the moment, the military leaders of 'the Kwangsi Group'. General Li Chai-sum, the chairman of the provincial government of Kwang-tung, who was the only member of the Group that was attending the Congress, was placed under detention;[1] and on the 27th, the day before the Congress closed, a resolution was carried expelling from the Party both Li Chai-sum and his associates Li Tsung-chen, the Kwangsi commander at Wuhan, and Pai Tsung-hsi, whose troops were stationed in Hopei, on the Manchurian border.[2] In May, after 'the Kwangsi Group's' collapse, the Party Head-quarters at Nanking made a drastic purge of a number of local branches of the Kuomintang in Hopei, Shantung, Honan, and Hupeh.

The breach between General Chiang Kai-shek and 'the Kwangsi Group' had been widening during February 1929, before the Party Congress assembled. Chiang Kai-shek accused his rivals of refusing to co-operate with the Central Government in putting into effect the resolutions that had been passed by the Disbandment Conference in January; and, however that might be, 'the Kwangsi Group' appear to have acted as aggressors in forcibly ousting the chairman of the provincial government of Hunan and making the first hostile movements of troops. The Nanking Government issued a punitive mandate against the three generals on the 26th March, the day before they were expelled from the Party by the Congress; military operations against them were immediately begun;[3] and the campaign was

[1] It was alleged by his friends that he had received a safe-conduct from General Chiang Kai-shek before coming to Nanking. In any case, his person was juridically inviolable in virtue of his status as a member of the Congress.

[2] See the *Survey for 1928*, p. 379.

[3] For the course of these operations, see statements made in the House of Commons at Westminster by the Secretary of State for Foreign Affairs on the 15th and 24th April and the 9th May, 1929.

quickly decided in Chiang Kai-shek's favour, partly because he moved swiftly against the enemy, partly because his resources in men and money were superior to his opponents', and also because Fêng failed to intervene and thus left the Kwangsi commanders in the lurch. On the 6th April Chiang Kai-shek made a triumphal entry into the nearest of their strongholds, Wuhan. Simultaneously, the Kwangsi forces in the south evacuated Canton City and the whole of Kwangtung Province without fighting, and retired within their own provincial borders. In the Middle Yangtse area, resistance had ceased altogether by the beginning of May 1929; and on the 3rd May, 1929, three local commanders of the defeated faction arrived at Woosung on board a British gunboat—on which they had been conveyed from Hankow by agreement with Chiang Kai-shek—*en route* for Hongkong. On the other hand, General Huang Shao-hsiung, the chairman of the rebel provincial goverment of Kwangsi, replied to an ultimatum, requiring him to submit to the authority of the Nanking Government not later than the 6th May, by invading Kwangtung Province and advancing down the West River towards Canton City. On the 9th May, when this invading force was approaching Samshui, within thirty miles of Canton, some vessels of the Government fleet, stationed at Canton, attempted to leave the harbour and join forces with the invaders. This mutiny, however, was quelled within the day, and thereupon Huang Shao-hsiung's offensive came to a standstill. Thereafter, Pai Tsung-hsi invaded Kwangtung from Hunan and likewise penetrated to within about thirty miles of the capital, but was heavily defeated by the Government forces at Hoyuen. The latter then passed over to the offensive and invaded Kwangsi; and before the end of June it was reported that they had occupied the city of Nan-ning and driven the remnant of the Kwangsi forces across the frontier into French Indo-China.

This victory over 'the Kwangsi Group' had certain serious ulterior consequences, inasmuch as it disquieted other military commanders who stood in a similar position towards the Nanking Government—above all, Fêng Yü-hsiang—and thus sowed the seeds of future conflicts. At the moment, however, the victory carried the Kuomintang Central Government of the Chinese Republic at Nanking to the highest point of prestige and power that it was destined to attain during the year 1929. Chiang Kai-shek's campaign against the Kwangsi commanders was condoned by public opinion—in spite of the general desire for peace—because it was regarded as 'a war to end civil war' and also because it was carried through rapidly and effectively at comparatively little cost in expenditure or in devastation.

The increase in the Government's prestige and power can perhaps be measured most accurately by the progress made in the establishment of a central financial control by the Minister of Finance at Nanking, Mr. T. V. Soong. In the preceding volume it has been recorded[1] that, before the end of the year 1928, Mr. Soong claimed to have extended his control more or less effectively over five provinces: Kiangsu (the key province from the financial point of view, since it contained the commercial capital of China, Shanghai, as well as the political capital, Nanking), Chekiang, Anhwei, Fukien, and Kiangsi. In detail, he was reported at that time to be collecting the full ordinary taxes throughout Kiangsu and Chekiang and in the southern half of Anhwei, and certain taxes—the Washington surtax[2] and the taxes on kerosene and tobacco—throughout all the five provinces above-mentioned.[3] In the memorandum which he laid before the Disbandment Conference in January 1929,[4] he stated that only four provinces—Kiangsu, Kiangsi, Anhwei, and Chekiang—were furnishing even passably complete returns of revenue; that the local authorities in fifteen provinces, including 'the Three Eastern Provinces' in Manchuria, were appropriating the whole of the national revenues, except Customs and some of the Salt Revenue, to their own purposes; and that for the past six months the Nanking Government had been compelled to meet 45 per cent. of the financial calls upon them by borrowing. He asked for 'complete control over the national revenues, full power to appoint and dismiss officials, and adequate protection against interference by the military or attempts by provincial and civil officials to impose surtaxes'.[5] As has been mentioned above,[6] the Disbandment Conference agreed to these demands; and one of the causes of the breach between the Nanking Government and 'the Kwangsi Group' was an attempt on the part of the Kwangsi commanders at Wuhan to resume control—in the provinces of Hupeh and Hunan—over the collection of the national revenue, in spite of the Disbandment Conference's decision and in spite of the fact that, in this area as in those under the direct authority of Nanking, the special tax on kerosene as well as the Washington surtax had been amalgamated with the regular customs duties under the new autonomous tariff which came into operation on the 1st February, 1929,[7] and had thenceforth been collected, for the benefit of the Central Government, by the Maritime Customs Service. After the overthrow

[1] p. 393.
[2] *Survey for 1920–3*, p. 480.
[3] For the details see an article in *The Times*, 5th January, 1929.
[4] See p. 299 above.
[5] *The Times*, 14th January, 1929.
[6] p. 300.
[7] See the *Survey for 1928*, p. 429.

of 'the Kwangsi Group', Chiang Kai-shek's victorious military campaign on the Middle Yangtse was followed up by an effective assertion there of Mr. Soong's financial control; and in June 1929, when the last resistance of the Kwangsi forces was being overcome in the south, Mr. Soong visited Canton, in the company of two of his American advisers, in order to establish his control there likewise.

Thus Mr. Soong had made remarkable progress towards bringing the collection of the national revenue into the Central Government's hands during the seventeen months since he had taken office.[1] Two other major tasks remained to be accomplished: the introduction of a budget system to control the expenditure of the revenues which the Ministry of Finance was collecting, and the restoration of China's credit abroad.

On the former of these two issues Mr. Soong tendered his resignation on the 6th August, 1929,[2] when another Disbandment Conference was in session (from the 1st to the 7th August) in Nanking;[3] and he did not withdraw it until the Government had promised to accept his conditions. In the framing of the budget, he insisted that the associations of Chinese bankers and merchants should be called in to cooperate with the Government; and in the stand which he took over this issue he evidently had these associations behind him. Nevertheless, the Chinese monied interests and the Chinese bourgeoisie

[1] In his *Annual Report for the Fiscal Year July 1928 to June 1929* (Nanking, 1930), p. 1, Mr. Soong gave the following retrospect: 'With the fall of Peking by the summer of 1928 the country was to all appearances, and in some phases, actually unified. But for the purpose of national finance, Szechuan, Yunnan, Kweichow, Shansi, Jehol, Suiyuan, Chahar, Shensi, Kansu, Sinkiang and the Three Eastern Provinces were, and still are, with the exception of the customs revenue, outside of the actual control of the Ministry of Finance. And it was not till late in the spring of 1929, when Hankow was taken by Government forces, that the provinces of Hupeh and Hunan came under the financial control of the Government; and it was not until the summer of 1929, after the war in the south, that Kwangtung and Kwangsi became integral parts of the national authority; and it was only in the summer of 1929, after the withdrawal of Japan and the retirement of Marshal Fêng Yü-hsiang, that the national receipts and expenditures of Shantung and Honan came under the direct administration of the Ministry. These are the more clear-cut cases, but even in Kiangsi and Fukien financial coutrol by the Ministry became a reality only towards the end of the fiscal year.'

[2] Mr. Soong had vainly demanded the introduction of a budget system three times already: once before the fall of Peking, in June 1928; a second time in August 1928, during the Fifth Plenary Session of the Central Executive Committee of the Kuomintang; and a third time during the Disbandment Conference of January 1929.

[3] See an article in the *Frankfurter Zeitung*, 30th September, 1929. At the Conference the annual military expenses were fixed at $216,000,000 (Mex.)—i.e. $24,000,000 more than at the Conference earlier in the year—besides $30,000,000 for disbandment purposes (Mr. Soong's *Annual Report*, cited above, p. 10).

were still too weak—even under Mr. Soong's capable and energetic leadership—to impose their will upon the Chinese military commanders and politicians; and much of Mr. Soong's work was undone by the unpopular but unrestrained recrudescence of the civil war in the latter part of the year. Even in the relatively peaceful period covered by the fiscal year July 1928 to June 1929, $209,536,969 out of a total disbursement of $434,440,713 was swallowed up by military establishments according to a statement of receipts and disbursements given in the report, dated the 1st March, 1930, which Mr. Soong presented to the third Plenary Session of the Kuomintang Central Executive Committee. In the course of the report, Mr. Soong pointed out that 'this' did 'not mean the total of military expenditure within the country. The military establishments of the three Eastern Provinces, Jehol, Suiyuan, Chahar, Shansi, Shensi, Honan, Yunnan, Szechuan, Kweichow, Kwangtung, and Kwangsi, some of which were maintained by all forms of irregular imposts, forced loans and advance collections, are not included therein, so the total military expenditures of the country are vastly in excess of either of the two figures established by the two Disbandment Conferences as reasonable and which could be met'. In this connexion Mr. Soong drew attention, in the statement of receipts, 'to the borrowing of $80,000,000[1] for current expenditures from a country already embarrassed by civil war, banditry, and economic maladjustment'.

As for China's credit abroad, it was publicly declared to be in suspense, pending financial reform at home, by no less an authority than Mr. Thomas Lamont, a partner in the American firm of J. P. Morgan & Co. and a leading member of the American Group in the China Consortium,[2] when he was speaking, on the 19th July, 1929, in Amsterdam at a congress of the International Chamber of Commerce. On this issue, Mr. Soong was able, on the 18th September, 1929, to announce that the local quotas which had been assessed, twelve months before,[3] upon the salt revenue districts for meeting the service of the Salt Loans were now being regularly remitted, and that certain arrears in the service of several of these loans would be paid off by definite dates in the near future (in addition to the payment of the current coupons, which was duly made in March and September of this year).[4] During the last quarter of the year, in spite of the recrudescence of the civil war, there was a distinct general

[1] Not including $20,000,000 borrowed for capital for the Central Bank.

[2] For the history of the Consortium, see the *Survey for 1920–3*, Part VI, Section (ii).

[3] *Survey for 1928*, p. 402.

[4] See further Mr. T. V. Soong's Annual Report, p. 4.

improvement in the service of Chinese Government loans and railway loans; and another factor which favoured the restoration of China's credit was the steady rise in the Maritime Customs receipts.

On the whole, however, the second half of the year 1929 was unhappily characterized by a set-back to the progress of reconstruction which coincided with a marked decline in the power and popularity of the Nanking Government. The chief single cause of this set-back and decline was the breach between Chiang Kai-shek and Fêng Yü-Hsiang.

On the 12th March, 1929, on the eve of the conflict between Chiang Kai-shek and 'the Kwangsi Group', Fêng resigned his post of Minister of War; and he refrained, as has been mentioned already, from attending the third session of the National Congress of the Kuomintang Party, which met at Nanking on the 12th of that month. When the outbreak of hostilities between Chiang and 'the Kwangsi Group' was imminent, Fêng moved strong forces down to the northern border of Hupeh; but he did not intervene in the campaign—possibly because it was decided so quickly in Chiang's favour [1]—and he looked on passively while the resistance of the Kwangsi forces was being broken. The rift between Chiang and Fêng came to an open breach when the settlement of the Tsinanfu Incident between the Nanking Government and the Japanese Government[2] raised the question of the future control of the province of Shantung. Fêng had long coveted Shantung, partly because its resources would augment the scanty revenue which was all that he could expect from barren Shensi and Kansu and from war-stricken and famine-ridden Honan, and partly because Shantung would give him direct access to the sea and to supplies of munitions from abroad. The same considerations made Chiang anxious to prevent the province from falling into Fêng's hands. It was alleged that Chiang had definitely assigned Shantung to Fêng—whether freely, at some earlier stage in their relations, or under duress, as the price of Fêng's neutrality in his struggle with 'the Kwangsi Group'. It is certain that, after this struggle had been decided in his favour, he either reverted to, or reasserted, his earlier policy. At the Nanking Government's request, the Japanese evacuation of the Tsinanfu-Tsingtao Railway Zone,[3] which was to have begun on the 18th April, 1929, was delayed until the 5th–20th May;

[1] Chiang was also reported to have forestalled Fêng diplomatically by purchasing the support of the Kwangsi commander whose forces occupied the territory immediately adjoining Fêng's domain.

[2] For the Tsinanfu Incident itself see the *Survey for 1928*, Part IV, Section (ii) (*a*). For the settlement of the incident see p. 314 below.

[3] See p. 314 below.

and on the 26th April the Nanking Government issued a mandate dividing the control of Shantung between three authorities, only one of whom, General Sun Liang-cheng, was a henchman of Fêng Yü-hsiang. Sun evidently interpreted this as a Danaan gift, for he promptly withdrew his troops from Shantung into Honan; and Fêng revealed his own fears by proceeding to destroy the railway bridges and tunnels leading into the latter province from areas not under his control. During the third week in May, Chiang telegraphed to Fêng an indictment of his conduct, and Fêng retorted by eliciting a petition from his own lieutenants in which Chiang was called upon to resign and Fêng to lead a punitive expedition against him. Thereafter, Fêng telegraphed a protest to the foreign diplomatic body at Peking, while the Central Executive Committee of the Kuomintang, at an extraordinary plenary session on the 23rd May, passed a resolution in which they accused Fêng of receiving a subsidy from the Soviet Government, expelled him from the Party, deprived him of his offices, and authorized the State Council to issue a mandate for his subjugation and to take the necessary military measures to accomplish it. The mandate was duly issued next day; but hostilities did not begin until after the state funeral of Sun Yat-sen in the new mausoleum at the foot of the Purple Mountain at Nanking on the 1st June;[1] and even then there was little fighting, since Fêng withdrew his forces once more—this time from Honan into his home province of Shensi. In this conflict between Chiang and Fêng, Yen Hsi-shan and Chang Hsüeh-liang took up the same nominally 'correct' but practically neutral attitude that Fêng himself had taken up during the conflict between Chiang and 'the Kwangsi Group'. Yen appears to have sought to play the part of 'honest broker'; and, presumably as a result of his diplomatic exertions, Fêng went into retreat at Taiyüan (the capital of Yen's home province of Shansi), while Chiang, Yen, and Chang arrived successively in Peking on the 28th and 30th June, and 7th July, and remained in conclave there till the 10th. Meanwhile, on the 5th July, the State Council at Nanking issued a mandate cancelling that of the 24th May. The Peking conclave broke up without having reached any positive agreement; but the war between Chiang and Fêng was tacitly allowed to lapse on the basis of the *status quo*. Thus the first overt trial of strength

[1] Sun Yat-sen had died at Peking on the 12th March, 1925. His body, embalmed and exhibited, like Lenin's, in a glass case, had lain in state in the Pe-Yun-Sze monastery at the foot of the Western Hills in the neighbourhood of Peking, where Fêng and Chiang had met on the 6th July, 1928, in order to announce to Sun's spirit the successful conclusion of the joint campaign which they had conducted on behalf of his principles (*Survey for 1928*, p. 379).

between these two leaders ended in a military stale-mate; and this was morally a reverse for Chiang, since his aspiration to eliminate Fêng from the field of Chinese politics and to bring the domain of the Kuominchün under the direct authority of the Nanking Government had been frustrated. Fêng, diplomatically assisted by his next-door neighbour Yen, had escaped the fate which he himself had permitted 'the Kwangsi Group' to suffer; and before the end of the year the Kuominchün and the Kuomintang came into armed conflict with one another again.

The bout of civil war in the autumn of 1929 was opened by General Chang Fa-kwei, who had quarrelled and made peace with Chiang Kai-shek in 1927,[1] served under him in the victorious campaign of 1928 against the Ankuochün, and since held a command at Ichang on the Yangtse, above Hankow. In September, Chang Fa-kwei rose in revolt against the Nanking Government, demanded the reinstatement of Wang Ching-wei (who, since the session of the National Congress of the Kuomintang in March, had rallied the Left Wing under the new name of the Reorganization Party), and marched south to re-kindle the embers of revolt in Kwangsi. The revolt flared up again at the news; but the Government forces succeeded in stamping it out before Chang Fa-kwei reached the province; and in October, after penetrating into Kwangsi, Chang was compelled to fall back into Hunan.

Meanwhile, on the 10th October, the Nanking Government announced that the Kuominchün had proclaimed a punitive expedition against them and retorted by themselves proclaiming a punitive expedition against Sung Chi-yuan, a henchman of Fêng Yü-hsiang who was chairman of the provincial council of Shensi. Thereafter, the Kuominchün appear to have started hostilities by reinvading Honan; and in their first offensive they gained some ground; but the fighting, which this time was stubborn, soon showed signs that it would be inconclusive; and, once again, the military trial of strength was suspended by diplomacy (in the form of a monetary transaction) before a military decision had been reached. This was the easier inasmuch as the Nanking Government had refrained from reviving their mandate of outlawry against Fêng, while Fêng did not reappear at the head of the Kuominchün forces in the field, but remained the guest—or the prisoner—of Yen in Shansi. Throughout this transaction, the real relations between Yen and Fêng remained obscure, but it was evident that during the autumn campaign, as during the summer campaign, between the Kuominchün and the Kuomintang, Yen was 'an unknown quantity' in the calculations of both parties.

[1] *Survey for 1927*, pp. 360–2.

He retained a quasi-mastery of the north by a tortuous diplomacy; and this was instrumental in bringing about the abrupt suspension of the autumn campaign in the third week of November. Without heralding or explanation, the Kuominchün forces evacuated whatever ground they had gained in Honan and withdrew to the line of the Honan-Shensi border, which they had been holding six weeks earlier before this campaign began. It was alleged that the Nanking Government paid the Kuominchün a large sum of money for this withdrawal, and that the broker's commission received by Yen was in proportion to his ability to turn the scales of battle whichever way he chose.

There were several considerations which may have induced the Nanking Government to come to terms at the price of draining their already depleted treasury and leaving the Kuominchün intact in its home territory. In the south, Chang Fa-kwei was on the war-path again; in the Kuomintang army, insubordination and disaffection were becoming dangerously rife; and, most serious consideration of all, their two conflicts with Fêng, unlike their conflict with 'the Kwangsi Group' earlier in the year, had cost Chiang Kai-shek and his associates at Nanking their popularity, which had already been undermined by Chiang Kai-shek's apparent dictatorial power, by the irresponsible action of the Tang Pu (the local organs of the Kuomintang Party), and by the increasing economic distress.

The first outbreak of insubordination was a mutiny on the 18th October at Wuhu on the Yangtse, only fifty-five miles up river from Nanking itself; but the most critical phases both of the southern campaign and of the disaffection in the ranks of the Kuomintang forces occurred in December, after the fighting in Honan had been broken off. In December, the Kwangsi forces and those of General Chang Fa-kwei made a converging movement upon Canton; and the latter had penetrated from the north to within nineteen miles of Canton before they were defeated in a pitched battle. Thereupon, the invaders retreated on both the local fronts. Meanwhile, on the 3rd December, the Nanking Government had been brought within an ace of destruction by a mutiny of their own troops[1] at Pukow, the terminus of the railway to Tientsin on the north bank of the Yangtse, opposite the capital. On any day between the 3rd December and the 7th, the leader of the mutineers, Shi Yu-san, could

[1] Their own, that is, for the moment—these troops having entered the service of the Kuomintang as deserters from the Kuominchün. One motive for the mutiny may have been that the troops were under orders to proceed to Canton in order to assist in repelling the enemy forces that were marching upon that city.

have taken Nanking easily *à coup de main*. Instead, the mutineers made off northwards along the railway. Nevertheless, martial law was proclaimed in Nanking; the guards and civilian staffs that had been left there by certain Generals whose loyalty seemed doubtful were arrested; and when, on the 7th December, the Nanking-Shanghai railway was temporarily cut by another mutiny at Changchow, the consular body at Nanking, remembering the events of March 1927, evacuated foreign women and children from the city by river, and did not permit them to return until the last week of the year. More serious still for the Nanking Government was a manifesto, denouncing General Chiang Kai-shek, which was published on the 7th December by a number of Kuomintang commanders, headed by Tang Sheng-chih.[1] On the 12th December, the Central Executive Committee of the Kuomintang retorted by officially expelling Wang Ching-wei. In fact, from the 3rd December, 1929, to about the middle of January 1930, the fortunes of the Nanking Government were at a very low ebb. Domestic bonds fell heavily, and the Government seriously considered the policy of withdrawing openly to the four or five provinces which they were certain of being able to control. They held on at Nanking because Chiang Kai-shek would not give in; and their recovery was due to the strength of Chiang's will. Before the close of January 1930 it had become evident that the Nanking Government were weathering the storm, in the sense that they were no longer in danger of foundering, though the successive buffetings which they had received in the course of the year had left them in a badly battered condition.

The greatest damage which they had sustained was their loss of popularity, owing to a revulsion of public opinion. From the launching of the Northern Expedition in 1926 down to the fall of Peking in 1928 a large section of the Chinese people throughout the country—led by the intelligentsia and to some extent by the merchant class—had looked forward to the reunification of China under the Kuomintang flag as a cure for the anarchy and militarism that had been let loose by the Revolution of 1911. The events of 1928 appeared to justify these hopes; and when Chiang Kai-shek fought and overthrew 'the Kwangsi Group' in the spring of 1929, he was still generally regarded as a champion of peace and good order. Peace, however, was the paramount and now overwhelming desire of the Chinese people; and, in the eyes of many patriotic and intelligent Chinese, the summer and autumn campaigns of the Nanking Government

[1] For Tang Sheng-chih's previous career see the *Survey for 1927*, Part III, Sections (i) and (ii).

against the Kuominchün were deliberate crimes against the cause of peace which had been committed, contrary to the public interest and desire, by General Chiang Kai-shek, in pursuance of his private ambitions. Whether this judgement was just, it was impossible for a foreign observer to say. The very events which had evoked this judgement had also given fresh occasion for Chiang to display his qualities of ability, courage, and rapid decision—qualities which won him respect even among those of his countrymen who most disliked him. Yet it was also impossible to travel in China at that time without becoming aware that Chiang Kai-shek was being denounced, as a wolf in sheep's clothing, by many of his former supporters; and that those very classes that had done most to bring the Kuomintang into power throughout the country had lost faith in the disinterestedness and the public spirit of the Central Government which the Kuomintang had founded.

The most illuminating commentary upon the activities of Chinese political and military leaders during this year—not only those in the Kuomintang camp, but those of all factions in all parts of the country—was the continuance of acute and widespread famine. For though the immediate causes of this affliction might be climatic, it was the considered opinion of certain highly competent and not unsympathetic foreign investigators that the effects of flood and drought could have been overcome if brigandage, misgovernment, and civil war had not weighted the balance against the unfortunate people of China in their secular struggle with Nature for subsistence.[1]

[1] On this point, see the very severe report, dated Shanghai, 27th August, 1929, by a Commission of three American citizens who had been appointed on the 22nd April, 1929, by the Central Committee of the American National Red Cross, to investigate famine conditions in China on the spot (text reprinted from the *North-China Daily News* of the 22nd October, 1929). The following passages in this report are significant:

'China's problems are enormous, complex, and inseparably interwoven with each other. They have been vastly increased by the political chaos which prevailed almost constantly from 1911 to the end of 1928. The famine of 1928–9 has been an inextricable part of this chaos. Its causes go straight back into chronic conditions of disorder, the crushing exactions of war lords, the unchecked depredations of bandits, the confiscatory taxes by provincial despots, the paralysed railways, with the consequent restrictions upon commerce' (p. 20).

'In these circumstances foreign relief agencies can do little. This Commission has heard no expression of doubt that enough food existed in China to have prevented starvation in 1928 and 1929. In fact it is reported that large quantities of cereals have been exported. The fact is that the operations of the contending rival generals with their independent moving armies, said to have numbered more than 2,000,000 men, swept the normal stocks of food from many provinces and destroyed or paralysed the only facilities for bringing in food from those areas where food is abundant' (p. 13).

It is hard to struggle simultaneously against the inconsequence of Nature and the perversity of Man.

(ii) The Progress of Treaty-Revision.

(*a*) Sino-Japanese Negotiations.

In the preceding volume, the history of Sino-Japanese negotiations has been recorded down to the exchange of notes on the 30th January, 1929, in which Japan intimated that she would not oppose the putting into force of the new Chinese tariff-schedule on the 1st February, though this without yet following the example of other Treaty Powers in recognizing China's right to tariff autonomy.[1] Meanwhile, the controversy over the future status of 'the Three Eastern Provinces' in Manchuria *vis-à-vis* the Kuomintang Central Government at Nanking had settled itself.[2] There still remained unsettled no less than six out of the eight questions that had been under negotiation since September 1928, namely: the Nanking Incident of the 24th March, 1927; the Hankow Incident of the 3rd April, 1927; the Tsinanfu Incident of the 3rd-11th May, 1928; the continued occupation of the Tsingtao-Tsinanfu Railway Zone by Japanese forces; treaty revision (apart from tariff revision); and the question of unsecured or inadequately secured loans which had been made by Japanese private financiers to the now defunct Chinese Government at Peking.

On these questions, the negotiations between Mr. Yoshizawa[3] and the Chinese Government continued, until, on the 28th March, 1929, an agreement[4] in settlement of the Tsinanfu Incident was signed at Nanking. The gist of this agreement was that, within two months from signature, the evacuation of the Japanese troops should be carried out in consideration of a pledge, on the Chinese Government's part, that they would provide protection for Japanese nationals, resident in China, on their own responsibility. The claims for damages arising out of the incident on both sides were to be settled by a mixed commission on which the two nations were to have equal representation. As has been mentioned elsewhere,[5] the evacuation of the Japanese troops from the railway zone, which was to have begun on the 18th April, was deferred until the 5th–20th May at the Chinese Government's request.

This settlement of one contentious question seems to have cleared the air; for a solution of the diplomatic deadlock over the Sino-Japanese commercial treaty of the 21st July, 1896, and settlements of

[1] *Survey for 1928*, p. 431. [2] *Op. cit.*, pp. 382–3. [3] *Op. cit.*, p. 431.
[4] The text of the four short documents constituting this agreement is printed in the *China Year Book*, 1929–30. [5] See p. 308 above.

the Nanking and Hankow Incidents, followed on the 26th–27th April and the 2nd May respectively.[1] On the most important of these controversies, namely, that regarding the treaty of 1896, the two parties agreed to differ about the legal question and at the same time, without prejudice to their respective legal standpoints towards the old treaty, to enter into negotiations for the conclusion of a new one. These negotiations duly began on the 2nd May.

The Japanese Government's agreement to withdraw their troops from Shantung ought, in equity, to have entailed a cessation of the Chinese boycott against Japanese goods which had been declared at the time of the Nanking Incident itself, twelve months back; but in this instance, again, as in that of the earlier boycott at Canton against the British Colony of Hongkong,[2] it proved more difficult to call the boycott off than to put it on. At Shanghai, on the 24th April, the local Anti-Japanese Boycott Society stirred up a mob to invade the premises of the Chinese Chamber of Commerce in revenge for the action of the Chamber in closing its premises in order to exclude the Society from the rooms which it had occupied there by *force majeure* (apparently with the countenance of the Shanghai branch of the Kuomintang). At Peking, at the beginning of May, the local Anti-Japanese Boycott Society was still preventing the Chinese merchants, by force, from resuming their trade in Japanese goods. These incidents appear to have increased the discontent of the merchant class with the Government—a discontent which had already been aroused by the obstruction of Mr. Soong's attempts to bring order into public finance[3] and by the recrudescence of the civil war.[4]

A conciliatory reference to Sino-Japanese relations was made by Mr. Hamaguchi, who had just formed a new ministry in Japan in succession to Baron Tanaka, in a statement of policy which he issued on the 9th July. A new cloud rose above the horizon in the latter half of December, when Mr. C. T. Wang, the Minister for Foreign Affairs at Nanking, demurred to the appointment of Mr. Obata as Japanese Minister in China, on the ground that he had been Counsellor of the Japanese Legation in China at the time of the presentation of the Twenty-One Demands in 1915 and had behaved on that occasion in a manner that rendered him not *persona grata*. On the whole, however, Sino-Japanese relations were distinctly less unfriendly at this date than they had been at the beginning of the year.

[1] The documents embodying these three agreements are printed in the *China Year Book*, 1929–30.

[2] *Survey for 1925*, vol. ii, Part III, sections (*d*) and (*e*); *Survey for 1926*, Part III A, section (*γ*) (viii).

[3] See p. 307 above.

[4] See p. 312 above.

(*b*) The Kuomintang Government's Demand for the Abolition of Extra-territoriality.

In the preceding volume[1] it has been recorded that, during the last two months of the year 1928, five treaties[2] were signed at Nanking between the Kuomintang Government and foreign Powers, in which the latter not only recognized China's tariff autonomy, but further agreed conditionally to relinquish extra-territoriality. Since one point in these conditions was that certain other Treaty Powers should agree to relinquish extra-territoriality likewise, Mr. C. T. Wang not unnaturally made persistent efforts, in the course of the year 1929, to induce all other Powers to take that step at an early date.

On the 27th April, 1929, he addressed an identic note on the subject to six Powers which had so far refrained from agreeing to relinquish extra-territoriality even on conditions, namely, the United States, Great Britain, France, the Netherlands, Norway, and Brazil. In this note[3] he declared that the institution had 'become so detrimental to the smooth working of the judicial and administrative machinery of China that her progress as a member of the family of nations' had 'been unnecessarily retarded'; claimed that the new Chinese Civil Code and Commercial Code would be ready for promulgation before the 1st January, 1930, and that 'courts and prisons, along modern lines,' had been established, or were being established, 'throughout the country'; and asked for an early reply so that steps might 'be taken to enable China, now unified and with a strong Central Government, rightfully to assume jurisdiction over all nationals within her domain.'

On the 10th August, four of the Powers thus addressed—namely, the United States, Great Britain, France, and the Netherlands—presented replies which, while not identic, had been drafted in consultation and were similar in tenor.[4] The British note began with a recapitulation of the history of extra-territoriality in China and of the steps which the British Government had already taken in the direction of abolishing the institution, but, in reply to Mr. Wang's present demand, it declared that there appeared 'to be no practicable alternative to maintaining, though perhaps in a modified form, the treaty-port system' until the legal reforms in China, to which Mr. Wang referred, became 'a living reality'—that is, until Western legal

[1] *Survey for 1928*, p. 428.

[2] With Belgium, Italy, Denmark, Portugal, and Spain. Mention of the Sino-Danish treaty has been inadvertently omitted in *op. cit., loc. cit.*

[3] The text is printed in *Documents on International Affairs, 1929.*

[4] The texts of the British and American replies are printed in *op. cit.*

principles came to 'be understood and be found acceptable by the people at large no less than by their rulers', and until the courts which administered the new laws came to 'be free from interference and dictation at the hands not only of military chiefs but of groups and associations, who either set up arbitrary and illegal tribunals of their own or attempt to use legal courts for the furtherance of political objects rather than for the administration of equal justice between Chinese and Chinese and between Chinese and foreigners.'[1] In conclusion, the British Government announced that they were ready to entertain proposals from the Chinese Government as to the procedure to be adopted for examining the question of what further modifications in the system of extra-territoriality it would be desirable and practicable to effect under existing conditions. As for the American note, it was a surprise to the Chinese and a disappointment. The attitude which it revealed was more realistic than had been expected; and the fact that it was somewhat stiffer than the British note in tone gave a shock to Chinese opinion.

These courteous but negative responses to Mr. Wang's demand did not discourage him from pressing it. He counter-replied to the Powers' replies in a note of the 5th September[2]; and on the 10th of the same month, at Geneva, Dr. C. C. Wu, a Chinese delegate at the tenth session of the Assembly of the League of Nations, moved, in a plenary meeting, that a committee should be appointed to consider and report on the best methods of making effective the nineteenth article of the Covenant of the League, which ran as follows:

> The Assembly may, from time to time, advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

On the 25th September the Assembly adopted, not Dr. Wu's resolution, but another to the effect that the Assembly—

> Noting that the question of the application of Article 19 has previously been studied:
>
> Declares that a Member of the League may on its own responsibility, subject to the Rules of Procedure of the Assembly, place on the agenda of the Assembly the question whether the Assembly should give advice as contemplated by Article 19 regarding the reconsideration of any

[1] The history of the Provisional Court at Shanghai during the year 1929, which gave point to this passage in the note, is recorded below.

[2] In reply to Mr. Wang's note of the 5th September, the United States Government reiterated the substance of their note of the 10th August in a further note delivered on the 1st November, 1929. (Text of the latter note in *The United States Daily*, 12th November, 1929.)

treaty or treaties which such Member considers to have become inapplicable, or the consideration of international conditions the continuance of which might, in its opinion, endanger the peace of the world;

Declares that, for an application of this kind to be entertained by the Assembly, it must be drawn up in appropriate terms, that is to say, in terms which are in conformity with Article 19;

And declares that, in the event of an application in such terms being placed upon the agenda of the Assembly, the Assembly shall, in accordance with its ordinary procedure, discuss this application, and, if it thinks proper, give the advice requested.

Nevertheless, Dr. Wu's intention in proposing his own resolution had been achieved in large measure; for the able speech in which he had commended it had drawn attention to China's particular claim for treaty revision, while the general bearing of the resolution upon the Peace Treaties in settlement of the General War of 1914–18 caused some perturbation in France, which was one of the countries which Mr. Wang was seeking to win over to an acceptance of his demands.

On the 18th September, 1929, a commercial treaty on the basis of complete equality and reciprocity was signed at Nanking between China and Poland—the largest of the 'successor states' which had emerged in the European peace settlement; and on the 12th November extra-territorial privileges in China were voluntarily surrendered by Mexico. These two small successes no doubt encouraged Mr. Wang to persevere in his main task.

At the end of November 1929, the Chinese Government announced their intention of abolishing extra-territoriality by unilateral mandate as from the 1st January, 1930. In confirming the fact of this announcement, in the House of Commons at Westminster on the 2nd December, 1929, the Secretary of State for Foreign Affairs stated that the Chinese Government were aware of the British Government's desire to enter into negotiations on the subject of extra-territoriality in a liberal and friendly spirit; that the British Minister in China was endeavouring to initiate discussions; and that the Chinese Minister in London had been informed that the denunciation of the extra-territoriality clauses of the treaties would prejudice the prospect of a satisfactory issue. On the 20th December, Mr. Henderson followed up this action by handing to the Chinese Minister in London an *aide-mémoire*[1] in which he mentioned that it had been the British Government's intention that the British Minister in China should proceed to Nanking (from

[1] Text in British Parliamentary Paper *Cmd.* 3480 of 1930. The text is reproduced in *Documents on International Affairs, 1929.*

Peiping, ci-devant Peking, where the foreign Legations were still established at this date) in order to initiate discussions before the end of the year, but that unfortunately the outbreak of civil war over a wide area in China had made it impossible to carry that intention into effect.[1] In the circumstances, 'in view of the prominence which' had 'been given to the particular date of the 1st January, 1930', Mr. Henderson informed the Chinese Minister that the British Government were

> willing to agree that the 1st January, 1930, should be treated as the date from which the process of the gradual abolition of extra-territoriality should be regarded as having commenced in principle and would have no objection to any declaration conformable with that attitude which the Chinese Government may think it desirable to issue. His Majesty's Government are ready to enter into detailed negotiations, as soon as political conditions in China render it possible to do so, with a view to agreeing on a method and a programme for carrying abolition of extra-territoriality into effect by gradual and progressive stages to the mutual satisfaction of both Governments.

The British Government had correctly divined the situation in which the Nanking Government found themselves. Faced, as they were, for reasons quite unconnected with foreign affairs,[2] with increasing unpopularity at home, they evidently felt that they could not afford to default on a publicly proclaimed programme of completing the abrogation of extra-territoriality in China—a policy in which they could count upon the approval and support of all the politically conscious elements in the nation, including those which were in active opposition to them in the internal politics of the country. If they drew back, they would not only lose this support, of which they were in desperate need at the moment, but would give their opponents an opportunity of denouncing them as traitors to the national cause. On the other hand, they had no desire to escape from the crisis in their internal affairs at the cost of producing a perhaps equally serious crisis in their foreign relations; and such a crisis was not unlikely to arise if the Treaty Powers, or any one of them, refused point-blank to accept the Nanking Government's unilateral action and then used force in order to vindicate treaty-rights, and the rights of foreign nationals under the treaties, in any 'incident' that might occur if, from the 1st January, 1930, onwards, treaty-rights were actually ignored by the Chinese authorities. The problem before the Nanking Government was to take such action—or to devise and promulgate such a form of words—as would reassure the Chinese people

[1] This excuse was perhaps more plausible than sincere.
[2] See above, pp. 312–13.

that extra-territoriality had been abrogated without making the Treaty Powers feel that their treaty-rights had been infringed by unilateral action on the Chinese Government's part. In this situation, the Nanking Government were ready to welcome a dignified escape from an imminent impasse; and the British suggestion was accepted as 'timely and conducive to the promotion of friendly feelings' in a reply[1] which was handed in on the 24th December.

On the 27th December, the Secretary of State at Washington, Mr. Stimson, made an oral statement[2] regarding the suggestion of unilateral abrogation in the sense of the replies which the United States and other Powers had made to Mr. Wang's notes of the 27th April and of September.

On the 28th December, the following resolution[3] was passed at Nanking by the Central Political Council:[4]

> In accordance with the proposal of the Foreign Affairs Committee of the Council, the State Council will be instructed:
>
> 1. To issue a mandate beginning the 1st January to all foreign nationals residing in China who are now enjoying extra-territoriality rights, that they shall observe all laws and regulations promulgated by the central and local Governments, and
>
> 2. To promulgate as soon as possible measures relating to the administration of justice in cases where foreign nationals are involved.

The State Council issued its mandate,[5] according to instructions, on the same date, in the following terms:

> In every full sovereign State foreigners as well as its nationals are equally amenable to its laws and to the jurisdiction of its tribunals. This is an essential attribute to State sovereignty and a well-established principle of international law.
>
> For more than eighty years China has been bound by systematic extra-territoriality, which has prevented the Chinese Government from exercising its judicial power over foreigners within its territory. It is unnecessary to state here the defects and disadvantages of such a system. As long as extra-territoriality is not abolished, so long will China be unable to exercise her full sovereignty. For the purpose of restoring her inherent jurisdictional sovereignty it is hereby decided and declared that on and after the first day of the first month of the nineteenth year of the Republic (the 1st January, 1930), all foreign nationals in the

[1] Text in *Cmd.* 3480 of 1930 and in *Documents on International Affairs, 1929.*
[2] Text in *The United States Daily*, 28th December, 1929.
[3] Text in *The Daily Telegraph*, 30th December, 1929.
[4] The Central Political Council was a body composed originally of all the members of the Central Executive Committee of the Kuomintang Party together with all the members of the Central State Council of the Nanking Government.
[5] Text in *Cmd.* 3480 of 1930.

territory of China who are now enjoying extra-territorial privileges shall abide by the laws, ordinances, and regulations duly promulgated by the central and local Governments of China. The executive yuan and juridical yuan are hereby ordered to instruct the Ministries concerned to prepare as soon as possible a plan for the execution of this mandate, and to submit it to the legislative yuan for examination and deliberation with a view to its promulgation and enforcement.

It will be seen that while both these documents called upon foreign residents in China who were nationals of Treaty Powers to obey Chinese law on and after the 1st January, 1930, neither document committed the Chinese Government, on and after the same date, to dealing with such foreign residents as though they had become amenable to Chinese law immediately in virtue of the promulgation of the mandate. Indeed, it was laid down that the mandate was not to be put into effect until it had been translated, by the joint labours of a number of different organs of the Nanking Government, into a plan which would have to go through the successive stages of preparation, approval, and promulgation before it would be enforced. This procedure implied a period of delay, after the 1st January, 1930, which might evidently be used for negotiations on the lines suggested in the British *aide-mémoire* of the 20th December; and that possibility was indicated in a manifesto[1] which was published on the 30th December (no doubt for the express purpose of avoiding a deadlock by making that point clear) by the Minister for Foreign Affairs acting on specific instructions from Chiang Kai-shek. In this manifesto, Mr. Wang referred to the fact that the Nanking Government had ordered the Executive Yuan and the Judicial Yuan[2] to instruct the Ministries concerned to prepare a plan for the purpose of releasing 'the sovereign rights of China from the trammels of extra-territoriality', and then went on to announce that the Nanking Government were 'prepared to consider and discuss within a reasonable time any representations made [by the Powers] with reference to the plan now under preparation in Nanking.'

This left it open for the British Government, in an *aide-mémoire* dated the 1st January,[3] to 'assume that, in issuing this mandate, it was the intention of the Chinese Government to make a declaration of the character indicated in the final paragraph of the British *aide-mémoire* of the 20th December'. They informed the Chinese Government that they had 'therefore authorized His Majesty's Minister to accept the invitation extended to him by the Minister for Foreign

[1] Text in *The United States Daily*, 2nd January, 1930.

[2] For the organization of the Nanking Government, see the *Survey for 1928*, p. 390.

[3] Text in *Cmd.* 3480 of 1930.

Affairs to enter into detailed negotiations on the subject'. They added that it was 'of the utmost importance that no untoward incidents should occur to imperil the smooth course of the negotiations about to be initiated'; and they asked that strict orders should be issued to all provincial and local officials[1] 'that, in accordance with the practice of civilized nations, the treaty stipulations affecting the status and privileges of British subjects' were 'to be regarded as continuing in full vigour and effect until modifications in the treaties in question' had 'been agreed to as a result of negotiations '.

On the 2nd January, 1930, at Washington, Mr. Stimson indicated that the procedure for dealing with the abrogation of extra-territoriality which had been agreed upon in the correspondence between the Chinese and British Governments was agreeable to the American Government. On the other hand, the French and Italian Governments appear to have addressed notes to the Nanking Government in which they confined themselves to the affirmation that they were unable to accept the abrogation of extra-territoriality by unilateral action on the Chinese Government's part.[2]

The negotiations between Sir Miles Lampson and Mr. Wang began at Nanking on the 9th January, 1930. At Washington, on the 23rd January, corresponding negotiations began between Dr. C. C. Wu and officials of the State Department.

(iii) The Status of Foreign Concessions and Settlements.

(*a*) Introductory.

At the beginning of the year 1929, certain former foreign Concessions in China had been 'rendited'; the rendition of others was under

[1] The Nanking mandate of the 28th December, 1929, had provided that foreign nationals in the territory of China who were enjoying extra-territorial privileges should abide by the laws promulgated by the *local* governments as well as the Central Government of China; and it was out of this proviso that 'untoward incidents' might most readily arise. The Treaty Powers had no reason to fear that the Nanking Government themselves would make the promulgation of the mandate a pretext for provoking 'incidents'. As has been noted above, the Nanking Government at this time had no desire to come into conflict with foreign Powers, after the conflicts with their enemies at home from which they had just emerged. On the other hand, these latter conflicts had left the Nanking Government in effective control of a relatively small portion of Chinese territory; and the danger was that the mandate would be taken as a pretext for irresponsible and precipitate action in Chinese territories, outside this area, where there were foreign residents at the mercy of local Chinese governments.

[2] The French note to this effect seems to have been delivered on the 2nd January, 1930, the Italian note by the 5th January. Similar action was reported to have been taken by the Danish, Netherlands, Norwegian, and Portuguese Governments.

negotiation or consideration; and in some of those Concessions and Settlements which had not yet lost or changed their international status there had been changes in municipal and other local institutions, while in others the internal as well as the international *status quo ante* the beginning of the Chinese Revolution remained unaltered. In detail, the German Concessions at Tientsin and Hankow and the Austro-Hungarian Concession at Tientsin had been reoccupied by the Chinese in 1917 and formally 'rendited' in the Peace Treaties of Versailles and St. Germain. The Russian Concessions at Tientsin and Hankow had been 'rendited' by the Soviet Government in 1920. The British Concessions at Hankow and Kiukiang had been 'rendited' in 1927. On the other hand, there had been no change in the international status of the British Concessions at Tientsin, Chinkiang, and Shameen (off Canton); of the French Concessions at Tientsin, Hankow, and Shameen and the French Settlement at Shanghai; of the Japanese Concessions at Tientsin and Hankow and the Japanese 'railway-towns' in the zone of the South Manchuria Railway; of the Italian and Belgian Concessions at Tientsin; and of the International Settlements at Shanghai and at Amoy. There had, however, been changes in the municipal constitutions of the International Settlements at Shanghai and Amoy (Kulangsu), the French Settlement at Shanghai, the British Concession at Amoy, and the British Concession at Tientsin—all these changes being in the direction of admitting Chinese ratepayers to participate with foreign ratepayers in the control of municipal affairs. There had also been changes in the constitution of the local Chinese courts at Shanghai.

The history of the two foreign Settlements at Shanghai, of the former British Concessions at Hankow and Kiukiang, and of the Japanese Concession at Hankow has been carried down to the end of the year 1927 or the beginning of the year 1928 in a previous volume.[1] In this place, it remains to record the history of these Concessions and Settlements since that date and also the history of other Concessions and Settlements in which, either after or before that date, important changes of status or constitution occurred.

(*b*) The International Settlement at Shanghai.

In the municipal life of the International Settlement at Shanghai, the tension which had been acute since 'the shooting incident' of the 30th May, 1925, had been eased by the two resolutions passed at the annual general meeting of the foreign ratepayers on the 18th April,

[1] *Survey for 1927*, pp. 369–81 and 394–9.

1928: one providing for the addition of three Chinese members to the Municipal Council and for the appointment of six other Chinese on the Council's standing committees, and the other resolution admitting Chinese to the public parks of the Settlement.[1] These two conciliatory measures went some way towards satisfying the political aspirations and consoling the *amour propre* of the local Chinese population, and from that date until the time of writing the relations between the Chinese and the foreign residents in the Settlement were markedly better than they had been during the previous three years.[2] The

[1] *Op. cit.*, p. 381.

[2] A fair index of the improvement in the relations between the Chinese and foreign residents in the International Settlement at Shanghai since 1927 is afforded by the progressive reduction in the strength of the British Defence Force. Figures showing the strength of this force at various times during the critical year 1927 have been given in a previous volume (*Survey for 1927*, pp. 375–6). Between the 1st September, 1927, and the 27th June, 1928, one British marine battalion and five infantry battalions, with ancillary troops, were withdrawn from China, leaving there seven infantry battalions, together with ancillary troops, in addition to the normal establishment of four battalions (statement made on the 27th June, 1928, in the House of Commons at Westminster, by the Secretary of State for War). On the last day of the year 1928, approximately 1,500 British troops left Shanghai; and this reduced the Defence Force to about 3,000, as compared with 4,788 on the 1st January of that year. On the 22nd January, 1929, in the House of Commons at Westminster, the Secretary of State for War announced that three battalions altogether would have been withdrawn by the end of that trooping season—at the same time expressing the opinion that the Volunteer Force of the International Settlement was not sufficiently strong to make the presence of any British troops at Shanghai no longer necessary. These reductions evoked a protest from the British Chamber of Commerce at Shanghai. As from the 14th April, the North and South China Commands of the British Army were amalgamated into a single command established at Hongkong. In regard to the cost of the Defence Force, on the 26th February, 1929, in the House of Commons at Westminster, in answer to a parliamentary question, the Secretary of State for War stated that, up to that date, approximately £950,000 had been expended on accommodation, quarters, rent, &c., on account of the Shanghai Defence Force, at Hongkong, Shanghai, Tientsin, and Wei-hai-Wei. He mentioned in this connexion that the Municipal Council of the International Settlement had exempted from municipal taxation all lands and buildings occupied by the Defence Force and had allowed unoccupied land and buildings which they owned to be utilized rent free; and that the Council were also paying the cost of small parties of troops specially detailed to assist in the maintenance of internal order, when necessary, within the International Settlement. On the 17th July, 1930, in the House of Commons at Westminster, Miss Wilkinson drew public attention to the cost of the Shanghai Defence Force to the taxpayers in Great Britain by asking the Secretary of State for Foreign Affairs to invite the Municipal Council to make a contribution to the cost of the Defence Force out of the profits of their recent sale of the municipal electricity undertaking to a group of private persons. (For this sale see the present section, p. 331.) On the 23rd July, 1929, it was stated in the House of Commons at Westminster by the Secretary of State for War that there were then in China six British battalions and one Indian battalion, distributed as follows: at

Chinese residents could now look forward with reasonable confidence to the eventual attainment of equality with their foreign fellow townsmen in the enjoyment of municipal rights; and the abatement of their grievance on this score permitted them to appreciate, perhaps more fully than before, the advantage in the matter of the protection of life and property which they possessed over their Chinese fellow countrymen and fellow citizens who resided in Chinese territories under Chinese administration. Indeed, the tendency for Chinese property and Chinese refugees to seek asylum within the boundaries of the Settlement—a tendency which had shown itself, ever since the foundation of the Settlement, at times when China was in disorder, from the Taiping Rebellion onwards—was particularly marked during these years.

The asylum, however, was not complete, since the powers of the Municipal Council did not cover the whole field of civic life. Within the bounds of the Settlement the administration of justice was in the hands of the Provisional Court which had been inaugurated on the 1st January, 1927, for an experimental term of three years, in place of the former Mixed Court, which had fallen under the control of the Consular Body after the outbreak of the Chinese Revolution in 1911.[1]

Under the provisional agreement which had been signed on the 26th August, 1926, by the senior Treaty-Power Consul at Shanghai and by two special representatives of the Kiangsu Provincial Government, the appointment of the president and judges of the Provisional Court and of the judges of the Court of Appeal was placed in the hands of the Kiangsu Provincial Government; the Court was given jurisdiction over all civil and criminal cases in the Settlement, with the exception of cases which, according to the treaties, involved the right of consular jurisdiction; and Chinese law was to apply. At the same time, certain conditions were prescribed both for the procedure of the Court and for the execution of its acts. For example, 'in criminal cases which directly affected the peace and order of the International Settlement, including contraventions of the Land Regulations and By-laws of the International Settlement, and in all criminal cases in which the accused was in the employ of a foreigner having extra-

Hongkong, two British battalions and one Indian battalion; at Shanghai and in the Tientsin area, two battalions each. He observed that the question of the number of British troops in China was engaging the attention of the Government.

[1] *Survey for 1925*, vol. ii, pp. 388–9; *Survey for 1927*, p. 380. The documents are reprinted from the Municipal Gazette of the Shanghai International Settlement, issue of the 18th February, 1927, in *The China Year Book*, 1928, pp. 465–74.

territorial rights, the Senior Consul was authorized to appoint a deputy to sit with the judge to watch the proceedings. The concurrence of the deputy was not made necessary for the validity of the judgement, though he was given the right to record his objections; he was not, however, empowered to put any question to the witnesses or prisoners without the consent of the judges. In cases in which a foreigner having extra-territorial rights or the Shanghai Municipal Council was the plaintiff in a civil action, and in criminal cases in which a foreigner having extra-territorial rights was the complainant, the Consul of the nationality concerned or the Senior Consul was authorized to send an official to sit jointly with the judge in accordance with the provisions of the treaties. Again, all summons, warrants, and orders issued by the Court were to be executed by the judicial police who were detailed for this duty by the municipal police and were directly responsible to the Court in the execution of their duties as judicial police. The municipal police were bound to render full and prompt assistance in such matters as might be requested of, or entrusted to, them by the Court, and when the municipal police arrested any person, he had, within twenty-four hours, exclusive of holidays, to be sent to the Court to be dealt with, failing which he had to be released. When the summons, warrant, or order was to be executed on premises occupied by a foreigner having extra-territorial rights, the Consul or other appropriate official of the Power concerned was required, on presentation, to affix his counter-signature without delay. The prisons attached to the Provisional Court, with the exception of the house of detention for civil cases and the women's prison, which were separately provided for, were placed under the charge of the municipal police specially detailed for the purpose.'

As regarded the duration of the provisional agreement, the Chinese Central Government were at liberty at any time, within the experimental three years' term, to negotiate with the diplomatic representatives of the Powers concerned for a final settlement, and this, if agreed upon, was to replace the provisional agreement. If at the end of three years no final settlement between these parties had been reached, the provisional agreement was to continue in force for another three years. At the end of the first three years, however, the Kiangsu Provisional Government were entitled to propose any modification of the provisional agreement if they had given six months' notice of this intention.

The working of this Provisional Court in the International Settlement at Shanghai was of interest to three parties from three different points of view. The Kiangsu Provincial Government, with the Nan-

king Central Government of China behind them, were concerned to see that the limitations to which the powers of the Court were subject under the provisional agreement were not exceeded during the experimental term and were reduced and if possible extinguished thereafter. The Chinese residents in the Settlement were concerned to see that the powers of the Court were not manipulated by the Chinese Provincial and National authorities outside the area of the Settlement, by whom the judges were appointed, in order to diminish the security of life and property which Chinese residents inside the area enjoyed. The foreign residents in the Settlement and in other parts of China who were nationals of the Treaty Powers, and the Governments of the Treaty Powers themselves, were interested to observe whether, or to what extent, Chinese judges were free from political pressure and proof against personal bias in a Court which, if and when extra-territoriality in China came to an end, would have jurisdiction over the persons of a majority of the foreigners resident in China and over a still greater proportion of the foreign property in Chinese territory.

Some light was thrown on this last question by the experience of Judge Lu Hsing-yuan (Mr. H. Y. Loo) who was appointed President of the Provisional Court by the Kiangsu Provincial Government in May 1927. Judge Lu enjoyed a high reputation for legal learning (incidentally he was a barrister-at-law of the Inner Temple in London), and also for practical ability (within thirteen months he reduced the number of remanded cases on the books of the Court from 4,500 to 800, and in the finances of the Court he converted a deficit into a surplus); but his chief merits in the eyes of the residents in the International Settlement, both foreigners and Chinese, were his integrity and independence of character, and it was alleged to have been just these qualities that made him *persona non grata* to the Provincial authorities. As early as the summer of 1927, Judge Lu was ordered by the Kiangsu Provincial Government to surrender the Presidency of the Court to Miss Tseng Su-mi; but he declined to retire without a proper investigation, and the result of the investigation was that the order was rescinded. This, however, did not render Judge Lu's position secure; and on the 15th June, 1928, the Nanking Government's Commissioner for Foreign Affairs at Shanghai notified the Senior Consul that the Kiangsu Provincial Government had instructed Judge Lu to hand over the duties of his office[1] to Dr. Ho Shih-tsung, who was a graduate of the universities of Soochow and Michigan. The Consular Body took objection on the ground that the agreement of the 31st

[1] Statement in the House of Commons at Westminster by Sir Austen Chamberlain on the 27th June, 1928.

August, 1926, for the rendition of the Court, had been accompanied by an assurance that the judges would enjoy the immunities and securities of tenure provided for by Chinese law.[1] Meanwhile, Judge Lu had again protested against being dismissed without an investigation and without even having been informed himself as to what the charges against him were this time. Accordingly the five charges (four of which were revived from the previous year) were submitted to a judicial disciplinary committee of the Nanking Government; and this committee—which seems not to have been beyond suspicion of partiality in at least one member of its personnel and of superficiality in its investigations—found three out of the five charges proven and on this ground upheld the Kiangsu Government's order for Judge Lu's dismissal. On the 1st August, 1928, Judge Lu surrendered his seals; and on the 6th Dr. Ho was formally installed in his stead. In the course of this ceremony, it was reported that the Chairman of the Shanghai Branch of the Kuomintang reproached Judge Lu with having failed in his duty of obeying the wishes of the Party and carrying out their orders; and that the new incumbent of the Presidency promised, as a member of the Party, that he would always abide by its decisions.

It was alleged that the chief specific reason for the animus of the Kiangsu Government against Judge Lu was not his partiality—or impartiality—towards foreigners when they appeared in the Provisional Court, but his refusal to use his judicial powers for the furtherance of the Kiangsu Government's desires in what was a purely Chinese and a purely political affair: that is, the question of the estate of Sheng Kung-pao.

Sheng Kung-pao was a Chinese millionaire who had been *persona grata* with the Manchu Dynasty in its last days and had died in 1917. He left half his fortune to his family and the other half in trust for charitable purposes, bestowing what he could within the boundaries of the International Settlement at Shanghai; and after the rendition of the Provisional Court this property excited the cupidity of the Kiangsu Provincial Government, which, like most Chinese public authorities at this time, was in a state of constant financial embarrassment. On the ground (which they apparently failed to substantiate) that the trustees of Sheng's charitable bequest were mismanaging their trust, the Provincial Government sought to take over the management of the trust themselves; but this could not be done without an order from the Court; and Judge Lu refused to lend himself to this design. Whether or not this refusal really was the

[1] Sir Austen Chamberlain, *loc. cit.*

chief reason for Judge Lu's dismissal, it is certain that his successor, Dr. Ho, did instruct the judicial police to seize the Sheng trust funds; but, as the judicial police were detailed from the municipal police, and these were under the control of the Municipal Council, Dr. Ho found it impracticable to have his instructions executed. Thereafter, the Kiangsu Government abandoned their operations against the Sheng trust funds, but in February 1929 they consoled themselves for this reverse by proclaiming the confiscation of that half of the Sheng estate which had been bequeathed to the testator's family, this time on the ground that Sheng Kung-pao had been a counter-revolutionary who had built up his fortune by embezzlement and misappropriation of public funds.[1]

Early in 1929, a dispute arose between Dr. Ho and the Consular Body at Shanghai over a question of procedure in the Provisional Court under the agreement of the 31st August, 1926. Dr. Ho disputed the right of the Senior Consul's deputy[2] to call Chinese barristers, pleading before the Court, to order when the Chinese judge was unable or unwilling to control their behaviour; and when one deputy suspended a Chinese barrister, Dr. Ho instructed the judges to refrain from sitting with that deputy until the controversy had been settled. Eventually, it was agreed between Dr. Ho and the Senior Consul that the matter should be settled between the latter and the local Chinese Commissioner for Foreign Affairs direct; and on the 2nd April, 1929, pending such settlement, a Chinese judge was authorized to resume sittings with the deputy in question.

After holding office for a year, Dr. Ho resigned the Presidency of the Court at the beginning of August 1929 because, like his predecessor Judge Lu, he was unwilling to agree to the confiscation of the Sheng Kung-pao estate.

Meanwhile, on the 8th May, 1929, the whole question of the status and constitution of the Court had been reopened by the Minister for Foreign Affairs of the Nanking Government in an identic note[3] addressed to the diplomatic representatives in China of Great Britain,

[1] The methods of pressure which the Provincial Government were reported to have employed were the prohibition of any financial transactions in any assets of the Sheng family estate, and the kidnapping of the treasurer of the estate, who resided at Soochow, where part of the property in trust was situated.

[2] For the occasions on which, under the agreement, such a deputy was to sit in Court with the Chinese judge, see p. 326 above. The arrangement does not appear to have worked satisfactorily, and the blame for this was laid at the door of the consular deputies themselves by certain responsible foreign observers.

[3] Texts of this note and of the ensuing correspondence in *The China Year Book*, 1929–30, pp. 902–4.

the United States, France, the Netherlands, Norway, and Brazil. Mr. Wang proposed the opening of negotiations with a view to bringing the Court on to the same footing as Chinese Courts in territory under Chinese administration. On the 7th June the Doyen of the Diplomatic Body in China, the Netherlands Minister, Monsieur Oudendijk, informed Mr. Wang that the Diplomatic Body were unanimously in favour of remitting the question which Mr. Wang had raised to a preliminary examination, on behalf of the Legations concerned, by a commission chosen from among their local representatives together with representatives of the Chinese Government, with a view to the eventual submission of the conclusions, thus arrived at, to the several Ministers and to the National Government of China. This suggestion was rejected by Mr. Wang on the ground that the question of the Chinese Court in the International Settlement at Shanghai was of more than local importance; and it was also true that, under the agreement of 1926, the Chinese Central Government had the right to open negotiations on the subject with the representatives of the Powers concerned at any time during the experimental period of three years—a period which would expire on the 31st December of the current year 1929.[1] Eventually, the Diplomatic Body gave way to Mr. Wang on this point; and a conference representing the Nanking Government and the Legations of the six Powers addressed by Mr. Wang on the 8th May met at Nanking in December 1929. An agreement was not reached before the end of the year; but on the 30th December the Judicial Yuan at Nanking, which had taken over from the Kiangsu Provincial Government the responsibility for the Court, directed that, pending an agreement, the Court should continue to sit, after the 1st January, 1930, on the same footing as before. Thereafter, a reorganization agreement was initialed on the 21st January, 1930, and signed on the 17th February by the representatives of China on the one part and of the negotiating Powers on the other, with the exception of the French representative, who found himself at the moment without the necessary instructions from his Government but was able to add his signature before the end of the month.

In this question of the Chinese Court in the area of the International Settlement, the Municipal Council were only indirectly (though of course intimately) concerned;[2] but they were the principals in two

[1] Mr. Wang took his stand on the general ground of equity, instead of claiming his plain rights under this clause in the agreement of 1926, because he did not wish to give recognition to that instrument by citing its terms.

[2] The Municipal Council were intimately concerned because the sanction for

other transactions of great importance for the future, not only of the International Settlement, but of Greater Shanghai.

At the annual general meeting of ratepayers held on the 17th April, 1929, approval was given to a resolution moved by the Council for authorizing the sale of the Municipal Electricity Undertaking to a group of private purchasers styled 'The American and Foreign Power Company'. The purchase price was 81,000,000 taels (that is, more than £10,000,000 sterling)—a sum sufficient to pay off the whole of the municipal debentures at par and still to leave a balance of some 30,000,000 taels. The desire to pay off these debentures was believed to be the Council's main motive in negotiating the sale; and, if this belief was true, this fact would appear to indicate that the Council looked forward with considerable apprehension to the future of Shanghai. On the other hand, the purchasers must have looked forward to that same future with a very robust confidence; for the price which they paid was not only a large sum in itself; it was estimated to be greatly in excess of the present 'book value' of the plant which was changing hands—and this notwithstanding the fact that this was one of the largest electrical undertakings of the kind in the world at that time.

An indication that the Municipal Council were also thinking of the future in a rather more constructive way was afforded by their second important transaction, namely, a unanimous decision, which was taken on the 29th November, to invite Mr. Justice Feetham to come to Shanghai in order to conduct an investigation into the position of the International Settlement and to advise the Council on policy. The explicit assumption which inspired this invitation was the expectation that extra-territoriality would be surrendered by gradual stages; that there would be a difficult transition period for the Settlement to pass through; and that it was necessary to devise some constructive scheme 'which, while giving full consideration to the aspirations of the Chinese people', would 'at the same time afford reasonably adequate protection, during this transition period', to the foreign business interests which had been developed in Shanghai.[1] Mr. Justice Feetham was a puisne-judge in the Union of South Africa who had been chairman of one of the Southborough Committees on Indian Reforms, the Committee on Functions, in 1918–19, and had been given leave of absence by the South African Government during the years

the enforcement of their administrative acts consisted in actions at law, and the jurisdiction lay with the Provisional Court in all cases where it did not lie with the consular courts.

[1] See the explanatory official statement issued by the Municipal Council on the 6th December, 1929.

1924 and 1925 in order to serve as commissioner for determining the boundary between Northern Ireland and the Irish Free State.[1] At the request of the Municipal Council of the Shanghai International Settlement, the South African Government now gave Mr. Justice Feetham leave of absence again; and this enabled him to accept the Council's invitation—which he did on the sole condition that his report, when presented, should be published in full. Mr. Justice Feetham arrived at Shanghai on the 13th January, 1930.

The scale of the problem with which he had to grapple may be measured by the figures for the population of Shanghai which emerged from a census conducted by the Chinese authorities in the autumn of 1928. It was estimated that the total population of Greater Shanghai at that time was 2,726,000: 855,000 in the International Settlement, 358,000 in the French Settlement, and 1,513,000 in the areas under Chinese administration. Of the total figure, not more than 48,000—i.e. about 1·76 per cent.—were estimated to be foreigners.

(*c*) The French Settlement at Shanghai.

The origins of the French Settlement at Shanghai, and its history during the critical months at the turn of the years 1926 and 1927, have been touched upon in a previous volume.[2] It remains to record here certain changes that were made, during the period under review, in the constitutions of the French Municipality and the French Mixed Court.

The constitution of the French Municipality had begun to develop on different lines from that of the International Municipality at an early stage in the history of the treaty port of Shanghai. In the International Settlement the Municipal Government had been built up by the private initiative of the foreign ratepayers, and its growing activities had always been controlled by the elected Municipal Council. In the French Settlement, likewise, an elected Municipal Council, consisting of four French citizens and four foreigners of other nationalities, had been established under the original *Règlement d'Organisation Municipale* of the 14th April, 1868; but the French Consul-General at Shanghai was President of this Council *ex officio*, and the effective power was placed in his hands. Article 8 of this *Règlement* gave the Consul-General the right to suspend the Council and the French Minister at Peking the right to dissolve it. The consular suspension was limited to a period of three months, during which

[1] The history of this boundary was an internal affair of the British Commonwealth of Nations and therefore falls outside the scope of this *Survey*.

[2] *Survey for 1926*, Part III A, Section (xii) (*f*).

the place of the Council was taken by a provisional commission nominated by the Consul-General himself. On the 1st January, 1915, a consular ordinance was promulgated providing that, in time of war,[1] the period of suspension or dissolution might be prolonged for the duration of the war. A further consular ordinance of the 12th November, 1926, made the same provision applicable 'in time of foreign or civil war[2] or of events affecting the order and security of the Concession (*sic*)[3] . . . for the whole duration of these events'. This provision reappeared in a new *Règlement d'Organisation Municipale* of the 15th January, 1927. The Consul-General took prompt advantage of these new powers to substitute a nominated provisional commission for the elected Municipal Council of the day; and in the year 1929, when the crisis of 1926–7, which had caused this step to be taken, was a thing of the past, the French Settlement at Shanghai was still living under this emergency régime.

In the matter of Chinese representation on the French Municipal Council, it had been provided in Article 5 of the *Règlement* of 1868 that one or more Chinese notables or heads of corporations, designated by the Consul-General in concert with the Taotai, might be admitted to sittings of the Council in a consultative capacity if the Council thought good. Thereafter, by an agreement of the 8th April, 1914, it was provided that two Chinese notables should be designated in common accord by a Chinese authority and by the French Consul-General to deal with the Municipal Council on questions of interest to Chinese residents in the Settlement. The *Règlement* of the 15th January, 1927, gave three seats on the Council to Chinese—two to be filled in accordance with the agreement of 1914 and the third by the Consul-General at his sole discretion. The *Règlement* raised the total number of Councillors to fourteen: that is, the three Chinese, three French citizens nominated by the Consul-General, four French citizens elected by the French electors, and four foreigners of at least three different other nationalities elected by the non-French foreign electors.

Article 13 of the same *Règlement* gave the Consul-General comprehensive responsibility for law and order in the Settlement; placed the municipal police under his exclusive order; and authorized him,

[1] i.e. presumably war in which France, not China, was a belligerent. China did not intervene in the General War until 1918.

[2] Here 'civil war' presumably means civil war in China, while it remains an open question whether 'foreign war' is to be interpreted as a war in which France is a belligerent, or China, or either country, or both of them.

[3] The French commonly referred to their settlement at Shanghai as a Concession.

if necessary, to certify the appropriation for the police force in the municipal budget over the Council's head.

The French again went their own way when the Mixed Court was established in the International Settlement in and after 1864. They refused to concur in the Mixed Court Rules of 1869, and established their own Mixed Court in their own Settlement by a direct arrangement with the Chinese authorities. This court was held in the French Consulate-General and was practically presided over by a French consular officer, the Chinese magistrate being virtually an assessor. The proceedings were conducted exclusively in the French and Chinese languages. In 1902 provisional rules defining the respective jurisdictions of the two Mixed Courts in the treaty port of Shanghai were agreed to by the diplomatic representatives of the Powers at Peking and were put into force. The French Mixed Court, being already in French hands, was immune from the troubles that overtook the International Mixed Court upon the outbreak of the Chinese Revolution in 1911—troubles which led to the International Mixed Court being taken over in that year by the local Consular Body. Hence the French Court remained unaffected by the provisional agreement of the 26th August, 1926,[1] under which the International Mixed Court was 'rendited' on the 1st January, 1927. A consular ordinance of the 30th December, 1926,[2] provided that in the French Settlement, as from the 5th January, 1927, all civil cases between Chinese, between nationals of Powers not enjoying extra-territoriality, and between the latter and Chinese, should be tried by the Chinese magistrate exclusively and that only lawyers of Chinese nationality, admitted by him, should be allowed to practise in them. The effect was that in such cases the French element in the French Mixed Court was eliminated. Yet if this consular ordinance is compared with the provisional agreement of the 26th August, 1926, it will be seen that the extension of Chinese control was carried considerably less far in the French Mixed Court than it was in the Mixed Court in the International Settlement.

The extension of Chinese jurisdiction in the French Mixed Court was carried one step farther in an *Ordre de service* which was signed by the French Consul-General on the 25th January, 1930, and took effect on the 27th. In principle, this order placed criminal cases (including appeals) under the jurisdiction of a Chinese magistrate sitting without an assessor; but this important concession was accompanied by hardly less important reservations. To begin with, it was provided

[1] See the *Survey for 1926*, pp. 369, 317, 495–7.
[2] Text in *The China Year Book*, 1928, p. 475.

that a delegate of the Consulate-General might take part in the proceedings at any moment as a representative of the French authorities responsible for public order in the Settlement, and might take his decisions in that capacity. In the second place, while cases involving foreigners who were nationals of non-Treaty Powers or of Treaty Powers other than France were implicitly covered by the affirmative provision of the order, an explicit exception was made of cases involving either a French citizen or the French Municipality or the Chef de la Garde (the officer responsible to the Consul-General for the maintenance of public security). These cases were to be tried, as before, by a Chinese magistrate with a French assessor. The order declared incidentally that the delimitation of the jurisdiction of the French Mixed Court *vis-à-vis* other courts would continue to be governed by the agreement of the 2nd July, 1902. This order appears to have been made by the French authorities *proprio motu* and not as a result of any negotiations with the Chinese.

(*d*) The Rendition of the British Concession at Chinkiang.

The inland treaty-port of Chinkiang, situated at the junction of the Grand Canal with the Yangtse, had seemed likely to have a great future when, in 1861, it was acquired by the British Government simultaneously with two Concessions farther up the river, at Kiukiang and at Hankow. But, whereas Hankow prospered exceedingly and Kiukiang moderately, Chinkiang decayed; and the British Concession shared the fate of the whole treaty port. Indeed, the waters in their courses fought against British commercial enterprise here; for, after the Concession had been marked out along the shore of the Yangtse, the river changed its direction and threw up a sandbank, a mile wide, between the Concession and the navigable channel; and a claim that the new land should automatically become part of the area of the Concession was resisted by the Chinese. In these circumstances the ratepayers' meetings became rather farcical affairs, in which some half-dozen people, representing twenty-five votes, met in order that five of them might be elected to the Municipal Council.

Accordingly, there was virtually no opposition to the rendition of this Concession when the question arose during the stormy year 1927; and, though the preliminary negotiations were long drawn out, they were almost entirely concerned with points of detail. The debenture issue of the British Municipality was paid off by a sale of municipal assets which left a credit balance for the lot-holders and occupiers to dispose of. Minor municipal properties were handed over to the Chinese authorities who became responsible for the future administra-

tion of the area. The British crown-leases on which the lots of land in the area had been held were exchanged for Chinese deeds of perpetual lease. The holders became liable to the payment of the regular Chinese land-tax—with a stipulation that, pending the promulgation of a new land-tax law and its application throughout the Chinkiang district, the existing rate was to remain unchanged. The whole settlement was embodied in three pairs of notes which were exchanged on the 31st October, 1929.[1] Another pair of notes, providing for a settlement of the claims for losses suffered by British subjects at Chinkiang during the disturbances of 1927, was exchanged on the 9th November. The rendition itself took place on the 15th November.

(*e*) The International Settlement of Kulangsu, and the British Settlement at Amoy.

The International Settlement on the Island of Kulangsu at Amoy had been established in 1902. The Land Regulations, signed on the 10th January of that year,[2] provided for a Municipal Council of five or six foreigners together with one Chinese to be appointed by the Taotai. In September 1926 the Diplomatic Body approved as a temporary measure the appointment of three Chinese Councillors; and down to the time of writing the number remained at that figure. Proposals for the revision of the Land Regulations were made in 1926 and 1927, but were not proceeded with. In 1928 three Chinese and six foreign Councillors were elected. The Chinese pressed, but without avail, for the number of foreign Councillors to be reduced to four. In 1929 the Chinese pressed for the number of Chinese Councillors to be raised to five (with six foreigners) but accepted a compromise which gave them three Councillors and one Chinese on each of the five Committees responsible respectively for Finance, Public Safety, Education, Public Health and Public Works. These five Committee men entered on their duties at the end of July 1929.

As for the British Concession at Amoy, the municipal police force had been disbanded in 1925, and thereafter the area appears to have been policed by the Chinese authorities, the staff employed by the Municipal Council being reduced to two scavengers. The only subsequent activities of the Municipal Council that were on record consisted in the issue of licences to two bars for the sale of alcoholic liquor. In these circumstances, the annual expenditure of the municipality amounted to about $300 (Mex.) per annum and the

[1] One of these pairs of notes provided for the right of transportation of goods between the Concession area and the river.

[2] Text in *The China Year Book*, 1929–30, pp. 105–9.

annual revenue to zero, current expenses being met, since 1925, out of the accumulated savings of the past, which obviated any further necessity for levying rates and taxes.

(*f*) The Foreign Concessions and ex-Concessions at Hankow.

In a previous volume,[1] the history of the foreign Concessions and ex-Concessions at Hankow has been carried down to the close of the year 1927.

The settlement of the Sino-Japanese 'incident', there recorded, which occurred in the Japanese Concession at Hankow on the 3rd April, 1927, is dealt with in the present volume in another place.[2]

In the former British Concession at Hankow, the new régime inaugurated by the Chen-O'Malley Agreement, which came into effect on the 15th March, 1927, worked badly—partly owing to the unsatisfactory character of the successive Chinese Directors appointed by the local Kuomintang Government, and partly owing to the general political disorder in China, of which one incident was the demise of the Hankow Government itself. It has been recorded[3] that, after the flight of the fourth incumbent of the Director's office, on the 26th September, 1927, the whole conduct of the administration of the 'special area' remained in the hands of the Sino-British Municipal Council. On the municipal budget for the year 1927 there was a deficit of 50,000 taels (£6,250); the interest on the municipal debentures for the year was in default; and the municipal services had deteriorated. A change for the better set in when, in November 1927, Dr. L. N. Chang was appointed Director by the now re-united Kuomintang Government at Nanking. Dr. Chang restored the municipal services to something like their original standards of efficiency and met the service on the municipal debentures for the first half-year of 1928; and these administrative improvements were accompanied by an increase in commercial prosperity—a local effect, presumably, of that short spell of internal peace which China enjoyed during 1928 and the early months of 1929. In the summer of 1928, however, there was an attempt to impose additional rates in the area for the building of barracks and the suppression of bandits—a move against which the British Government protested[4] on the ground that it infringed Articles 13 and 16 of the municipal regulations made under the

[1] *Survey for 1927*, pp. 394–9.

[2] See p. 315 above.

[3] *Survey for 1927*, p. 398.

[4] Statement made on the 30th January, 1929, in the House of Commons at Westminster, by the Secretary of State for Foreign Affairs, in answer to a parliamentary question.

Chen-O'Malley Agreement.[1] At the end of the year 1929, the information in the possession of the British Government was to the effect that, at that time, the administration of the area by the Sino-British Council was operating satisfactorily on the whole.[2]

In the former German and Russian Concessions at Hankow ('Special Administrative Districts Nos. 1 and 2'), over which the sovereignty of the Chinese Government had become operative again in the years 1917 and 1920 respectively, mixed Sino-foreign municipal administrations had been established on the same lines as that subsequently established in the former British Concession ('Special Administrative District No. 3') under the Chen-O'Malley Agreement. There was, however, an important difference between the juridical statuses of the first and second special districts and the status of the third district; for whereas the new status of the former British Concession rested on a bilateral agreement between two Governments, that of the former German and Russian Concessions had been conferred by a unilateral act of the Chinese Government—an act of which the Consular Body at Hankow were officially cognisant without being a party to it. It was true that the Chinese Government had laid it down in the new regulations for these two municipalities that no change should be made in their constitutions without the consent of two-thirds of the ratepayers. Nevertheless, the Chinese Government were in a position to revoke their own grant, and even to override their own by-laws, without thereby giving any foreign Power a legal title for complaint. On the 29th December, 1928, the Hupeh Provincial Government decreed the abolition of the existing régimes in 'Special Administrative Districts Nos. 1 and 2' and the incorporation of these districts in the Chinese municipality of Wuhan (an amalgamation of the Chinese city of Hankow with Hanyang and Wuchang). This act caused great concern among the foreign residents in the two districts affected[3] and indeed in all former or still existing foreign Concessions in Hankow; and in a resolution of protest which was passed by the local British Chamber of Commerce[4] it was suggested that the Provincial Government's action

[1] *Survey for 1927*, Part III, Section (iii) (*d*).

[2] Statement made on the 4th December, 1929, in the House of Commons at Westminster, by Mr. Gillett, in answer to a parliamentary question.

[3] 'Special District No. 3' (the former British Concession) was indirectly affected inasmuch as the Chinese Director of this district was unwilling to allow the ratepayers of 'Special Districts Nos. 1 and 2' to hold a meeting there. Such a meeting was, however, eventually held on the 7th February, when a resolution was passed denouncing the Provincial Government's action as illegal.

[4] Extracts in *The Times*, 5th January, 1929.

might be an infringement of the privileges of such foreign residents in the two areas as were nationals of Treaty Powers. On the 20th February, 1929, it was announced in the House of Commons at Westminster, by the Secretary of State for Foreign Affairs, that the matter was being taken up with the Chinese Government by the British Minister in China.

In January 1930 a British subject, Paymaster Lieutenant-Commander McBride, was involved at Hankow in an 'incident' which threatened for a moment to raise the issue of extra-territoriality in a concrete form at a time when the negotiations over the question of principle were in a peculiarly delicate stage.[1] This British officer was driving in a motor-car from the ex-German Concession when a boy on a bicycle, struck by another vehicle, was thrown under the officer's car and killed. The officer was then arrested by the Chinese police; but eventually the Chinese authorities agreed to release him on a written undertaking from the British Consul-General that he would not leave Hankow until the case was settled and would be forthcoming to give evidence as a witness when required.[2]

(*g*) The British Concession at Tientsin.

In a previous volume[3] it has been recorded that an Anglo-Chinese Mixed Commission met on the 4th April, 1927, to consider the retrocession of the British Concession at Tientsin, in pursuance of the proposals which had been submitted on the 28th January of that year to the Peking Government by the British Minister in China, Sir Miles Lampson. Negotiations dragged on through that year; but they were never carried to a formal conclusion—mainly because the Chinese authorities themselves were unwilling to take over the control of the Concession pending the outcome of the Chinese civil war (each faction fearing that the Concession, if taken over, might become an asset in the hands of their rivals). In these circumstances, the British community at Tientsin wisely decided not to remain supine until some fresh turn in the wheel of Chinese politics might lead a Chinese Government to ask the British Government to negotiate for rendition again. They determined to use the respite which Fortune had granted them in order to carry out the British Government's liberal policy as far as they could by unilateral action on their own part. Accord-

[1] See p. 322 above.

[2] See *The Times*, 30th January, 1930, and a statement made by Mr. Henderson in the House of Commons at Westminster on the 3rd February, 1930, in answer to a parliamentary question.

[3] *Survey for 1926*, p. 361.

ingly, with the British Government's approval,[1] the ratepayers of the British Concession at Tientsin, in the spring of 1928, passed certain amendments to the Land Regulations which had the effect of removing all trace of discrimination against the Chinese. In particular, Chinese citizens and British subjects were placed on an absolutely equal footing in regard to the municipal franchise and membership of the Municipal Council.[2]

The previous regulations in regard to the franchise had recognized as qualifications the ownership of property and the occupation of premises. On either account votes had been allotted on a sliding scale, the number of votes being restricted to a maximum of four on account of ownership and of three on account of occupation. With a view, however, to retaining a foreign preponderance of votes, the scale for foreigners and Chinese had been made different. In the revised regulation proposed by the ratepayers and accepted by the British Government all such discrimination was removed. In order, however, that 'property' might 'have its due weight in the state' and that the foreign community might not be greatly outvoted by the Chinese community, the limit upon the number of votes which a ratepayer might exercise on account of either qualification was abolished, and this change gave great voting power to the larger British firms and concerns, most of whom owned and occupied extensive premises.

As regarded the constitution of the Council, the Chinese had always been represented by one of their own nationals on the Council that had administered the Extra Areas (before amalgamation), as distinct from the Concession proper, since the establishment of that Council in the year 1899. For some time before the British Government's pronouncement of the 28th January, 1927,[3] the British Municipal Council (of the amalgamated areas) had had under consideration the question of increasing the number of Chinese Councillors; and, as a first step, a second Chinese Councillor had been elected in March 1926. The Council was then composed of six British, two Chinese, and one American, constituting a full Council of nine members.

As, under the revised regulations in regard to the franchise, the

[1] Statement made on the 23rd April, 1928, by Mr. Locker-Lampson in the House of Commons at Westminster in answer to a parliamentary question.

[2] The new arrangements with regard to the franchise will be found embodied in Nos. VI and VII of the Land Regulations of the British Concession at Tientsin as printed in the *Report* of the Municipal Council for the year 1929. The new arrangements with regard to the Municipal Council will be found embodied in Regulation No. XIII as printed in *op. cit.*

[3] For this pronouncement, see the *Survey for 1926*, pp. 332–3.

British and the Chinese voting power among the electors was approximately equal—though in practice many Chinese failed to apply for their votes on account of occupation—it was considered that the constitution of the Council should be such as to make it possible to have an equal number of British and of Chinese Councillors. It was felt, however, that so long as the area remained under the ultimate administration of the British Government, a casting vote, in the event of equality, ought to rest with the British side. It was also recognized as desirable that the electors should retain power to elect a larger number of British or other foreign Councillors in the event of the Chinese failing to co-operate in municipal affairs, and as advisable that the Council should not be put out of action if five Chinese were elected as Councillors but in practice declined to act. These desiderata were fulfilled in the new regulation.

Between the time when this regulation was proposed by the ratepayers and accepted by the British Government and the time of writing, the Council was invariably composed of five British subjects and five Chinese citizens. Before the Annual General Meeting in 1929 five British subjects, five Chinese citizens, and one American were nominated. Consequently, there was an election for the five non-British Councillors by ballot, and the five Chinese were duly elected. Before the Annual General Meeting of 1930, which took place in March, only five British subjects and five Chinese citizens were nominated as candidates and therefore no election took place.

There were also interesting developments in the field of education.

Down to 1927 there had not been any popular demand from the Chinese ratepayers for the provision of educational facilities for their children within the municipal area; but the Council, foreseeing that the new conditions arising in China would call for a municipal school for Chinese, made arrangements to that end in 1925. A school for the children of foreign residents was founded by private subscriptions, principally from British residents, and was later taken over by the Council in 1918 and largely supported from the rates. In 1925 the Chinese Councillors undertook to raise a sum of money from their countrymen towards the foundation of a municipally controlled school for their children, and the appeal met with a remarkable response. After the opening of the Chinese school, in 1926, the number of pupils attending increased very rapidly and, at the time of writing, new buildings were being constructed which, when completed, would provide accommodation for Lower, Middle, and Upper schools for both boys and girls up to a total aggregate number of 1,200 children. By this time, both schools were open to pupils of either nationality,

and several Chinese children attended the Grammar School, which had formerly been reserved exclusively for the children of foreign residents.

As the Chinese community as a whole was eager for a rapid increase of educational facilities for Chinese children, and there were a number of other municipal activities in connexion with which money had to be spent if the interests of the ratepayers as a whole, and particularly the foreign ratepayers, were not to suffer, the question of the allocation of funds for Chinese educational purposes seemed likely to cause controversy, unless steps to forestall this were taken. Moreover, there were misgivings on the part of the foreign community lest, in the event of the municipal area being transferred to Chinese administration, the interests of foreign education might be neglected. For these reasons it was decided, as a matter of common interest, to put the existing schools and the continued provision of educational facilities into trust and to enter into a deed of trust which secured for foreign and for Chinese education, respectively, a contribution from the rates which was determined by arithmetical formulae.[1]

Corresponding changes were made in the sphere of administration.

Before the British Government's pronouncement of the 28th January, 1927,[2] the British Municipal Council at Tientsin had already decided that it was undesirable to exclude Chinese ratepayers from any advantages enjoyed by foreign ratepayers, and accordingly the municipal parks, recreation grounds, and hospitals had been thrown open for the use of Chinese and foreign residents alike. It was felt, however, that, in order to satisfy Chinese aspirations, and in order that the British municipality at Tientsin might be regarded as a training-place for Chinese municipal officials, it was necessary to go farther than had previously been contemplated in the direction of appointing Chinese to the more important executive posts. In pursuance of this policy a Chinese was selected for promotion to the position of Deputy in all departments. Though it did not prove possible to find men whose experience qualified them to become heads of departments immediately, several of these Deputies gave promise of fitting themselves ultimately for the position of executive head of a department. In the Police Department it was found possible to place

[1] It was not found possible to use precisely the same formula in the two cases, but the underlying principle of avoiding any discrimination as between foreign education and Chinese education was secured. The regulations proposed to this end and the terms of the deeds of trust will be found on pages 20–9 of the *Report* of the Municipal Council for the year 1929. See further the speech in which the adoption of the new regulations was proposed by Col. P. C. Young as Chairman of the Council. (Text in *The China Illustrated Review*, 19th April, 1930.)

[2] For this pronouncement, see the *Survey for 1926*, pp. 332–3.

the uniformed branch under the authority of a Chinese Chief Constable. A uniform set of regulations was introduced, governing the conditions of all senior grade employees, whether British or Chinese.

These important changes in the municipal regulations themselves were accompanied by an even more important change in the spirit in which they were administered. The guiding principle was to secure for Chinese ratepayers in the municipal area, and for Chinese employees in the service of the Municipal Council, every advantage which they might possibly hope to obtain under a purely Chinese administration. These changes in the spirit and the letter of the administration of the British municipal area at Tientsin gave satisfaction to the Chinese residents, and at the time of writing the affairs of the municipality were proceeding smoothly, while the question of rendition was in abeyance.

(*h*) The Rendition of the Belgian Concession at Tientsin.

The Belgian Concession at Tientsin had been granted by a Sino-Belgian convention of the 6th February, 1902. Juridically, this was the only real Concession in China in the proper sense of the term—that is to say, it was a piece of land granted to Belgium by China for exploitation, and was not merely an area set aside for foreign residence. Commercially, however, this Concession was a failure, owing to the selection of a site on the left bank of the Peiho River, remote from the centre of trade and business in the treaty port. Indeed, the area remained entirely derelict until, in 1921, a British cold-storage enterprise purchased 80 mow of land within its limits and erected plant to the value of about 2,500,000 taels. To the Belgians, the value of the Concession remained negligible; and on the 17th January, 1927, the Belgian Government, in the course of their exceedingly difficult dealings with the Chinese Government over the Sino-Belgian treaty of 1865, sought to ease the situation for themselves by incidentally offering to retrocede the Tientsin Concession to China.[1] Thereafter, the treaty of 1865 was replaced by a new preliminary treaty signed on the 22nd November, 1928;[2] and in March 1929 arrangements were made for setting up a Sino-Belgian mixed commission to determine the procedure by which the Concession was to to be retroceded. In due course, a rendition agreement was signed at Tientsin on the 31st August, 1929.[3]

[1] This has been recorded in the *Survey for 1926*, p. 275. The offer appears to have been announced on the 13th January, 1927, and formally made on the 17th.

[2] *Survey for 1928*, p. 428.

[3] Text of this agreement and annexes in *The China Year Book*, 1929–30, pp. 916–18.

Under this agreement the public properties and bank deposits of the Belgian Municipality were handed over to the Chinese Government, while the latter undertook to reimburse to the Belgian Government the debts of the Municipality within six months from the date on which the agreement should come into force. With regard to land tax in the area, it was agreed that the existing rate should be maintained until the National Government promulgated a new general law governing land taxation.

(iv) The Dispute between China and the U.S.S.R. over the Chinese Eastern Railway.

The dispute between China and the U.S.S.R. over the Chinese Eastern Railway—a dispute which led, during the latter half of the year 1929, to a severance of diplomatic relations between the two Governments and to border warfare that threatened at moments to disturb the general peace of the world—was the culmination of a long-continuing state of tension. This tension had set in on the morrow of the two agreements that had been concluded between the Soviet Government, of the one part, and the central and local Chinese Governments, seated respectively at Peking and at Mukden, of the other part, on the 31st May and the 20th September, 1924, respectively;[1] and the events that precipitated the crisis in the summer of 1929 had their precedents or antecedents during the previous five years.

For example, the Chinese police-raids upon the Soviet Consulates at four places in 'the Three Eastern Provinces' that were carried out on the 27th May, 1929, were in line with the police-raid which had been made upon certain Soviet premises at Peking and Tientsin on the 6th and 7th April, 1927[2]—the raids in both cases being accompanied by arrests of Soviet citizens, and being followed by the

[1] For the negotiation of these two agreements and the terms on which they were concluded, see the *Survey for 1925*, vol. ii, pp. 342–4. N.B. the text of the Mukden Agreement published in *The China Year Book for 1925* is taken from a preliminary draft. The definitive text, in which the articles are arranged in a different order, will be found in *The International Relations of Manchuria*, by C. Walter Young (Chicago, 1929, University of Chicago Press), p. 295. In the Peking Agreement, the Chinese Eastern Railway was dealt with partly in Article 9 and partly in a supplementary agreement, of the same date as the main agreement. This supplementary agreement is cited hereafter in this chapter as the Peking (C.E.R.) Agreement and the main agreement as the Peking Agreement on General Principles. For the previous history of the Chinese Eastern Railway see the *Survey for 1925*, vol. ii, pp. 337–42, and the special volume in this series by Sir Harold Parlett, entitled *A Brief Account of Diplomatic Events in Manchuria* (London, 1929, Milford).

[2] *Survey for 1927*, pp. 343–7.

publication of documents, alleged to have been seized in the course of operations, which, if genuine, were extremely damaging to the Soviet Government and their local representatives. Again, the forcible taking over of the Chinese Eastern Railway telegraph administration, and of other organizations subsidiary to the working of the railway itself, which occurred on the 10th July, 1929, was in line with the forcible taking over of the Chinese Eastern Railway flotilla on the River Sungari, together with its establishments on shore, in September 1926.[1] The arrest and deportation of the Russian General Manager of the railway, Monsieur Yemshanov, together with a number of his Russian colleagues and subordinates, which were effected on the 10th and 11th July, 1929, were in line with the arrest and imprisonment of Monsieur Yemshanov's predecessor, Monsieur Ivanov, together with three of the Russian Directors of the railway, on the 21st January, 1926.[2] The systematic general liquidation of Soviet Russian establishments and institutions in 'the Three Eastern Provinces' which the Mukden Government proceeded to carry out from the 11th July, 1929, onwards, was in line with the general liquidation which was carried out by the Kuomintang Government at Nanking in December 1927 throughout the territories at that time under their authority.[3]

The similarity between the successive measures taken by the Mukden Government in the summer of 1929 and these various precedents and antecedents is so close as to suggest that the Mukden Government acted as they did in 1929 in the conviction that the Soviet Government were devoted to the Christian (and Tolstoyan) maxim 'Resist not evil', and might be relied upon to turn the other cheek, however many buffets might be administered to their 'face' by Chinese hands. If, however, this calculation was really in the Mukden Government's mind and was partly responsible for the action taken, it is perhaps strange that Marshal Chang Hsüeh-liang's political advisers ignored the sequel to the high-handed action which their master's father, Marshal Chang Tso-lin, had taken against Monsieur Ivanov and his colleagues three and a half years before.[4]

[1] *Survey for 1926*, p. 282.
[2] *Survey for 1925*, vol. ii, p. 346.
[3] *Survey for 1927*, pp. 363–5.
[4] The Mukden Government's miscalculation in 1929 is possibly to be explained by an erroneous belief that the U.S.S.R. was on the verge of a counter-revolution and that the Soviet Government would not dare to mobilize troops in Siberia for fear that, if they did, the troops might march on Moscow and not on Harbin. Probably the Mukden Government saw the situation in the U.S.S.R. through the spectacles of the 'White' Russian refugees in Manchuria. If so, they were not the first foreign Government to suffer from the use of these distorting lenses.

On that occasion, the Soviet Government had immediately sent a three-days' ultimatum to the Chinese Governments at Mukden and Peking, demanding the release of Monsieur Ivanov and the restoration of normal traffic on the railway; and a trial of strength between the two parties had only been averted by the compliance of the Chinese with the Russian demands within the time-limit prescribed. In 1926, the *status quo ante* had been completely restored by the eighth day following the Chinese *coup*. In 1929, when the Soviet Government retorted to a similar *coup* with a similar ultimatum, the Chinese kept up their courage and hardened their hearts. In consequence, the restoration of the *status quo ante* in accordance with the Soviet Government's terms occurred not a week but six months after the violation of that status by the Chinese. In the end, however, the discomfiture of the Chinese at the hands of the Russians was not less thorough, in 1929, than it had been in 1926, and it was aggravated this time by the considerable amount of material damage that was done to Chinese property, public and private, and by a still greater damage to Chinese prestige.

It remains to record the sequence of events which ended in this result.

On the 27th May, 1929, the Soviet Consulates at four places on the line of the Chinese Eastern Railway—Harbin, Tsitsihar, Manchouli, and Suifenho (Pogranichnaya)—were raided by the local Chinese police. At Harbin, the police who carried out the raid belonged to the police-force of 'the Special Administrative District' (i.e. the former Russian municipality now under Chinese control),[1] and they acted on the authority of the Governor of this district,[2] who was responsible to the Government of the Three Eastern Provinces at Mukden.[3] According to an official Chinese account of the affair,[4]

[1] See the *Survey for 1925*, vol. ii, pp. 333–4.

[2] See *The Sino-Russian Crisis* (published by The 'International Relations Committee' at Nanking, no date), pp. 42–7.

[3] The Tas Agency afterwards reported that the Nanking Minister for Foreign Affairs, Mr. C. T. Wang, had declared that the action taken at Harbin on the 27th May was taken without the Nanking Government's knowledge (*Berliner Tageblatt*, 12th June, 1929).

[4] Indictment of the Procurator of the Higher Court of the Special Area of the Eastern Provinces, at the trial of the persons arrested in the Soviet Consulate-General at Harbin on the 27th May, 1929. No Russian acccount appears to be forthcoming except the short statement in the Soviet Government's note of the 31st May, 1929; and in these circumstances it would be as rash for an historian to profess to give an authoritative account of what really happened as it would be in the case of other affairs of the same kind, e.g. the Peking raid of the 6th April, 1927 (see the *Survey for 1927*, Part III, Section (iii)), or the London raid of the 12th May, 1927, on the premises of 'Arcos' (see *op. cit.*, Part II E, Section (ii)).

the police found all entrances to the Consulate closed, and were refused admittance. They then forced an entrance, and found a party of over eighty Soviet citizens holding a meeting[1] in a cellar. Forty-four of these were members of the staff of the Consulate (including the Consul-General and the Vice-Consul), while forty were persons not ordinarily resident at Harbin, who had presumably gathered there for the purpose of attending the meeting, at which they were taken by surprise. The majority of these forty were said to have come from thirty-six different places on the Chinese Eastern Railway; others were said to have come from Chita and Khabarovsk (two cities in the territory of the Soviet Union, adjoining Northern Manchuria); one was the Soviet Consul-General at Liaoning. 'When the search was completed all those present in the Consulate were detained with the exception of' the three consular officers and the forty-three members of the Harbin consulate staff.[2] It was alleged that all the persons arrested on this occasion subsequently admitted to being members of the Russian Communist Party and to having belonged to the Party since before 1922. It was further alleged that those who were not residents of Harbin had no better account to give of their simultaneous presence in the Consulate than that they had come to renew their passports.[3] The Chinese police claimed that, in addition to making these arrests, they had rescued from the flames[4] a mass of incriminating documents which proved the existence of active and organized machinations by Soviet Russian subjects, resident in the Three Eastern Provinces of China as employees of the Soviet Government or of the C.E.R., with the object of fomenting a Communist revolution there. Alleged facsimiles of some of these documents, with extracts in translation, were afterwards published.[5]

If the Chinese account of this affair, which has been reproduced in

[1] According to the Soviet Government, in their note of the 31st May, 1929, the Chinese police, on the 28th May, had published the statement that this was a meeting 'of the Third International'. If so, this statement, which was obviously absurd, appears to have been omitted from subsequent Chinese accounts of the affair.

[2] Indictment by the Procurator of the Higher Court of the Special Area of the Eastern Provinces, at the subsequent trial of the persons arrested on this occasion.

[3] This explanation is actually given in the Soviet Government's note of the 31st May, 1929.

[4] 'When the police detachment entered the consular building, those who were there became frightened and ran from the cellar upstairs, where they closed the doors behind them and began to burn the documents with a view to hiding their contents.' (Indictment, quoted above.) For alleged photographs of the documents in question, see *The Sino-Russian Crisis*, pp. 2, 5, 7, 10, and 12.

[5] *Op. cit.*, pp. 48–81.

the foregoing paragraph, was true, then the Soviet Government, through their responsible representatives on the spot, stood convicted of a serious breach of a clause which appeared, in almost identical terms, in the Peking Agreement of the 31st May, 1924, and in the Mukden Agreement[1] of the 20th September of the same year:

> The Governments of the two contracting parties mutually pledge themselves not to permit, within their respective territories, the existence and/or activities of any organizations or groups whose aim is to struggle by acts of violence against the Governments of either contracting party.
>
> The Governments of the two contracting parties further pledge themselves not to engage in propaganda directed against the political and social systems of either contracting party.[2]

The Chinese authorities afterwards relied almost entirely upon this alleged breach of the two agreements of 1924 on the Russian side when they sought to justify the breaches of the same two agreements on the Chinese side which were involved in the next 'forward movement' against the Soviet Russian position in Northern Manchuria.

Meanwhile, on the 31st May, 1929, the Soviet Government handed to the *chargé d'affaires* of the Nanking Government at Moscow a note[3] in which they protested against the action of the Chinese police at Harbin on the 27th May as a violation of international law, demanded redress and restitution, and declared that, until they received satisfaction, they would regard the extra-territorial privileges of Chinese diplomatic and consular representatives in Soviet Russian territory as being in suspense.

The next incident reported was the arrest at the frontier-station of Manchouli, on the 2nd June, 1929, of the Soviet Consul-General from Mukden, the Soviet Vice-Consul from Harbin, and one of the Russian Directors of the C.E.R. on their way by train from Manchuria to the U.S.S.R.

On the 10th July, 1929, the Chinese authorities in the Three Eastern Provinces took action again. On that date they forcibly took over the telegraph and telephone systems belonging to the C.E.R., on the ground that these had been used for the dissemination of Communist propaganda. Simultaneously, they closed down and

[1] Monsieur Kuznetzov, the Soviet Russian signatory of the Mukden Agreement and former Soviet Russian Consul-General at Mukden, was one of the persons discovered (but not arrested) in the Consulate at Harbin on the 27th May, 1929, being at that time Soviet Consul at Liaoning. (See p. 347 above.)

[2] Peking Agreement on General Principles, Article 6, in the official English text communicated by the Chinese Minister at Rome and published in the *League of Nations Treaty Series*, vol. xxxvii. The identical text appears as Article 5 of the Mukden Agreement.

[3] Text in *L'Europe Nouvelle*, 3rd August, 1929.

sealed the premises of the Trade Mission of the U.S.S.R., the 'Gostorg',[1] the Textile and Naphtha Syndicates, the Soviet State Mercantile Marine at Harbin, and the premises of the trades unions and co-operative societies of the employees of the C.E.R. throughout the railway zone. The Chinese President and Director-General of the C.E.R., Mr. Liu Chung-huang, called upon the Russian Manager of the Railway, Monsieur Yemshanov, to hand over the management to Mr. Liu's nominee; and upon refusal both Monsieur Yemshanov and the Assistant-Manager, Monsieur Eismond, were prevented from carrying on their duties, which were transferred to other persons whom Mr. Liu appointed over their heads. Two heads of departments and a number of other employees were also replaced; more than two hundred Soviet citizens in the service of the railway were arrested; and sixty of these—including MM. Yemshanov and Eismond—were deported across the frontier forthwith on the 10th and 11th. On the latter day, Chang Hsüeh-liang, Yen Hsi-shan, and Chiang Kai-shek, who had been in conclave at Peiping,[2] hastily left for their respective headquarters. On the 12th, Mr. Liu issued a statement justifying the action taken on the ground that the Mukden Agreement of 1924 had been violated on the Soviet side.

On the 13th July, the Soviet Government handed to the *chargé d'affaires* of the Nanking Government at Moscow a new note,[3] in which, after reciting the events that had taken place in the Three Eastern Provinces on and since the 10th, they drew attention to the precise arrangements laid down in the two agreements of 1924 for the joint Sino-Soviet control and administration of the C.E.R.,[4] and pointed out that these stipulations had been violated by the unilateral action of the Chinese President and Director-General. They also cited a clause which appeared in both agreements[5] to the effect that, with the exception of the estimates and budgets, all other matters on which the Board of Directors might not be able to reach an agreement should be referred for settlement to the Governments of the contracting parties; and they recalled that on the 2nd February of the current year the Soviet Government, in a note addressed to the Mukden Government, had proposed that 'all disputed questions, and especially questions concerning the régime of the C.E.R., which had remained pending for the last few years and

[1] State Import and Export Trading Office.

[2] See p. 309 above.

[3] Text in *L'Europe Nouvelle*, 3rd August, 1929; and in the *Soviet Union Review*, vol. vii, No. 9, September 1929.

[4] See the *Survey for 1925*, vol. ii, pp. 342–4.

[5] Peking (C.E.R.) Agreement, Art. VI; Mukden Agreement, Art. I (11).

had produced misunderstandings, and had hampered the normal working of the railway, should be brought up for examination and settlement with a view to avoiding possible misunderstandings and conflicts'. According to the Soviet Government, no answer had been given either to this note of the 2nd February or to a telegram, dispatched on the 11th July by the Commissar for Communications at Moscow to the Chinese President and Director-General of the C.E.R., in which an immediate examination of all pending questions was proposed and Monsieur Serebryakov[1] was designated as the Soviet representative for this purpose. In view of all this, the Soviet Government now addressed a protest and a warning to the Governments of Mukden and Nanking, and made three specific demands: first, that a conference for the settlement of all questions relating to the C.E.R. should be convened immediately; second, that the Chinese authorities should cancel immediately all arbitrary orders regarding the C.E.R.; third, that the Soviet citizens who had been arrested should be released immediately and that the Chinese authorities should cease to molest Soviet citizens and Soviet concerns in Chinese territory. An answer was requested within three days—failing which, the Soviet Government 'would find itself obliged to have recourse to other means of defending the legitimate interests of the U.S.S.R.'

This ultimatum drew general attention to the Sino-Russian controversy; and the Japanese Government promptly let it be known that their policy was one of strict neutrality—a policy to which Japan adhered steadily from beginning to end of the dispute.

On the 17th July, the *chargé d'affaires* of the Nanking Government at Moscow handed to the Soviet Government a note[2] in which the latter were accused of having been responsible for subversive propaganda in Chinese territory; and on this ground the Nanking Government defended the action which had been taken on the 27th May and the 10th July 'by the authorities in the Three Eastern Provinces'. They flung back in the Soviet Government's face the charge of having violated the agreements of 1924—accusing the Soviet officials of the C.E.R. of having obstructed the fair execution of the agreements persistently. Moreover, they complained that about a thousand Chinese citizens had been arrested in the U.S.S.R. If these were released and were guaranteed normal conditions of security, then the Chinese authorities would eventually remove their seals from the premises of the Soviet undertakings in the Three Eastern Provinces.

[1] For Monsieur Serebryakov's previous dealings with the affairs of the C.E.R. see the *Survey for 1925*, p. 356.

[2] Text in *L'Europe Nouvelle*, 3rd August, 1929.

On the same day the Soviet Government replied in a note[1] which characterized the Chinese note as 'unsatisfactory in content and hypocritical in tone'; declared that this was tantamount to a rejection of the Soviet Government's three demands of the 13th July; and announced that the Soviet Government were recalling all their diplomatic and commercial representatives from China, were recalling, likewise, all persons nominated by them to posts in the C.E.R. who were resident in Chinese territory, were severing all railway communications between China and the U.S.S.R., and were asking all Chinese diplomatic and consular representatives in the U.S.S.R. to leave Soviet territory immediately.

On the 20th July the State Council at Nanking decided to break off all relations with the U.S.S.R., withdraw all Chinese diplomatic officers from Soviet territory, and request all Soviet diplomatic officers to leave Chinese territory.[2] The rupture of relations between the Soviet Russian Government at Moscow and the Chinese Governments of Nanking and Mukden was thus complete. The German Government accepted invitations to take charge of Soviet interests in China and of Chinese interests in the U.S.S.R.

The rupture was preceded and followed by a series of explanations, vindications, and apologies on the Chinese side. President Chiang Kai-shek hastened to make a declaration in time for it to be quoted against him in the Soviet note of the 17th July.[3] 'There is nothing abnormal,' he said, 'about what we have done in order to take over the C.E.R. . . . We want to take the railway over before proceeding to examine the other questions.' The Ministry of Foreign Affairs at Nanking circulated a manifesto[4] or identic note to foreign Governments on the 20th July. Further statements by President Chiang Kai-shek and Mr. C. T. Wang appeared on the 21st;[5] a statement by the Central Executive Committee of the Kuomintang Party at Nanking on the 23rd;[6] and another declaration by Mr. C. T. Wang on the 27th.[7] On the 20th August a communication,[8] recapitulating

[1] Text in *L'Europe Nouvelle*, 3rd August, 1929; and in the *Soviet Union Review*, vol. vii, No. 9, September 1929.

[2] Statement made on the 22nd July, 1929, in the House of Commons at Westminster, by the Secretary of State for Foreign Affairs.

[3] A longer extract from General Chiang's declaration will be found in *The Times*, 18th July, 1929.

[4] Text in *The Sino-Russian Crisis*, pp. 25–7.

[5] Quoted in Foreign Policy Association: *Information Service*, vol. v, No. 11, 7th August, 1929, p. 202. The full text of Mr. Wang's statement was recited in the House of Commons at Westminster by the Under-Secretary of State for Foreign Affairs on the 26th July, 1929.

[6] Text in *The Sino-Russian Crisis*, pp. 22–4.

[7] Text in *L'Europe Nouvelle*, 3rd August, 1929.

[8] Text in *The United States Daily*, 22nd August, 1929.

the Chinese case, was circulated to all signatories of the Pact of Paris.

It is noteworthy that none of these statements came from the local Chinese Government at Mukden, which was the authority immediately responsible on the Chinese side for the rupture, and also the party most directly exposed to whatever consequences the rupture might have. All the statements came from representatives of the Central Government, or of the Kuomintang Party which stood behind the Central Government, at Nanking; and since, for geographical reasons, the Nanking Government were no less secure against the possibility of Soviet Russian reprisals in 1929 than they had been in 1927, it might be inferred—even if this were not also indicated by the internal evidence of the statements themselves—that the question which troubled the statesmen at Nanking was how the Mukden Government's action against the Soviet Government would be viewed by other foreign Powers. Would these applaud what had been done as a shrewd stroke against a Communist Ishmael beyond the pale of the 'Capitalist' world? If they looked at the affair in that light, they would probably condone any irregularities of procedure on the Chinese side on the old religious principle that ordinary rules of conduct are suspended in holy warfare against heretics and outlaws. Or would they reflect that, in this affair, a foreign Consulate on Chinese soil had been invaded by the Chinese authorities, foreign property seized by them, foreign nationals arrested and deported, and, above all, two treaties infringed? Treaties were treaties, after all, even if they did not happen to be exactly on all fours with those which were held by 'the Treaty Powers'. Supposing that the Treaty Powers were to conceive of the Soviet Government no longer as an enemy but as one of 'the Lord's Anointed', as David on a famous occasion had conceived of Saul: how would they react to the situation then? The Soviet Government had not failed to point out, in their note of the 13th July, that the two treaties of 1924 had been freely negotiated, on a footing of equality and on terms highly favourable to China, in substitution for the old Sino-Russian 'unequal treaties' which the Soviet Government had voluntarily renounced. If the Soviet Government's experience of the 10th July, 1929, was the reward for having made, five years before, that great concession which Mr. C. T. Wang was urging the surviving Treaty Powers to make on the 1st January, 1930,[1] the precedent was hardly encouraging.

Evidently this question disturbed the Nanking statesmen's minds; and they were at pains to assure the Treaty Powers that they had

[1] See pp. 318–21 above.

no thought of carrying on their campaign against the surviving 'unequal treaties' by the high-handed methods of unilateral 'direct action' which they had just been employing against the two Sino-Russian 'equal treaties' of 1924. In the first of his declarations mentioned above, Chiang Kai-shek asseverated that the Nanking Government's programme for abolishing 'the unequal treaties would be pursued by means of a proper and reasonable procedure'. On the 21st July Mr. Wang, not content with insisting that it was 'absolutely incorrect to infer that' they had 'nullified Russian interests in the Railway', went on to declare that there was 'no need for fear on the part of Russia or of any other Power that foreign enterprises existing in China for purely legitimate purposes' would 'not be duly respected', because it was 'the fixed policy of the National Government always to use proper diplomatic procedure, according to established principles of international law, in reaching an amicable and satisfactory settlement of outstanding issues between China and foreign Powers'.

The statesmen at Nanking were evidently also concerned lest China should be condemned by international public opinion for having lightheartedly and irresponsibly brought the peace of the world into jeopardy; and the pacific intentions and the loyalty towards the Pact of Paris ('the Kellogg Pact') by which China was animated were loudly proclaimed in the manifesto of the 20th July, the statement of the 23rd, the declaration of the 27th, and the communication of the 20th August.

Meanwhile, the bearing of the Pact of Paris upon the rupture between China and the U.S.S.R. had also been engaging the attention of the State Department at Washington. As early as the 19th July, it was announced that steps had already been taken by the United States for the prevention of hostilities between China and the U.S.S.R. in conjunction with Great Britain, France, and Japan. After consulting the Ambassadors of these three Powers in Washington, the American Secretary of State, Mr. Stimson, addressed a reminder to the Chinese Government, and the French Minister for Foreign Affairs, Monsieur Briand, a similar reminder to the Soviet Government, that the Pact of Paris had been signed by both the disputants; and Mr. Stimson also called the attention of the British, French, and Japanese Governments to the Sino-Soviet dispute in virtue not only of the Pact of Paris but of Article 2 of the Washington Four Power Treaty of the 13th December, 1921.[1] On the 22nd July, in the House of Commons at Westminster, the

[1] See the *Survey for 1920–3*, pp. 484–90, 508.

Secretary of State for Foreign Affairs announced that, as a result of a communication which had been received from the United States Government on the 20th, the British Government had sent an intimation both to the United States Government and to the French Government that they would associate themselves with them in all the efforts which they were making to secure a pacific settlement. On the 22nd, again, at Washington, Mr. Stimson announced that he had received messages from the British, French, and Japanese Governments approving his overture for peace, and that both China and the U.S.S.R. had now declared their intention of carrying out the principles of the Pact of Paris and of refraining from recourse to hostilities unless they were attacked. The Soviet Government's intention had been conveyed to Monsieur Briand by the Soviet Ambassador in Paris, the Chinese Government's to Mr. Stimson himself by the Chinese Minister in Washington.[1] Pacific assurances had also been received from the Chinese and Soviet Ambassadors at Tokio by the Japanese Minister for Foreign Affairs, Baron Shidehara, on the 19th.[2]

This prompt and energetic concentration of firm but friendly diplomatic pressure upon the two parties to the quarrel was significant. It was a symptom that a state of international affairs which had been growing to maturity with the progress of the Industrial Revolution had at last impressed itself upon the consciousness of statesmen. In a world in which the normal unit of all major economic operations was coming to be nothing less than the entire habitable and navigable surface of the planet, it was becoming evident that a rupture of relations, even short of an actual breach of the peace, could no longer occur in any part of the world without adversely affecting the interests of the whole comity of nations.

In the case in point, the rupture between China and the U.S.S.R. was already proving an international nuisance in several ways. To begin with, the severance of railway communications between these two countries was suspending traffic along the shortest of the routes for mails and passengers between Europe and the Far East[3]—a serious

[1] For the diplomatic action initiated by Mr. Stimson, see *The United States Daily*, 20th and 23rd July, 1929.

[2] These assurances seem to have been given to Baron Shidehara by the Chinese and Soviet Ambassadors on their own initiative, and not in response to any action on his part. In answer to their assurances Baron Shidehara appears not to have made any communication to them in the name of the Japanese Government but to have contented himself with expressing the hope that the two Powers would settle their dispute with one another amicably.

[3] The Soviet Government rapidly organized a through railway service from

impediment to commercial and diplomatic intercourse between two great regions of the world. In the second place, the disorganization of the C.E.R., and the general feeling of uncertainty and insecurity which brooded over Northern Manchuria so long as the rupture lasted, acted as severe checks upon the production and trade and colonization and development of Northern Manchuria—a vast territory which, under normal conditions, was at this time growing more rapidly in population and productivity than any other territory of equal size in the world. The third, and by far the most serious, respect in which the rupture constituted an international nuisance was that, unless and until it was repaired, it was in constant danger of degenerating into war between the two parties to the quarrel; and, if once war broke out in Northern Manchuria between China and the U.S.S.R., it was impossible to guarantee that it would not spread until it became a catastrophe of world-wide dimensions. Northern Manchuria was now one of the highways and the workshops of the world—a place in which trouble could not occur without involving three parties. In this respect, it was a much more dangerous place for a rupture than the Chaco Boreal—the scene of the brush between Bolivia and Paraguay in December 1928. If, in that emergency, not only the neighbouring Latin-American countries, but the Council of the League of Nations and the Government of the United States, made haste to take action for fear that the trouble might spread, there was still greater warrant for the similar international action which was taken for dealing with the rupture between China and the U.S.S.R. in 1929.

On the other hand, the Sino-Soviet agreements of 1924 both contained the following clause:[1]

> The Governments of the two contracting parties mutually agree that the future of the C.E.R. shall be determined by the Republic of China and the U.S.S.R. to the exclusion of any third party or parties.

It may be conjectured that this clause had been included at the instance of the Soviet Government; and, throughout the crisis of 1929, that Government insisted unbendingly that the controversy was an affair for the two parties to settle *à deux*. The U.S.S.R. was

Stolpce via Moscow to Vladivostok (and vice versa) along a route, running north of the Amur and east of the Ussuri, which lay entirely within the territory of the U.S.S.R. The writer of the present *Survey* travelled over this route in January 1930. It was a creditable piece of improvisation. Yet it involved an enormous detour and a lengthening of the time taken on the journey between Shanghai or Peking and London by at least a week.

[1] Peking Agreement on General Principles, Art. ix (5); Mukden Agreement, Art. i (4).

undoubtedly free to take this line, inasmuch as it was not a member of the League of Nations. As for China, it might be questioned whether her pre-existing obligations under the Covenant, and the obligations of her fellow members in the League, did not override the provisions of her two agreements with a non-member. At the outset, however, and indeed so long as they believed that they would be able to garner in the results of their high-handed action in Manchuria by tactics of obstruction and procrastination, the Chinese showed little more disposition than the Russians to welcome any international action that might help to abate the international nuisance which the two parties, between them, were causing. It was only when they began to feel the pinch of the increasing military pressure from the Soviet forces on their frontiers, and when they realized that other Powers were certainly no longer able, and perhaps no longer anxious, to extricate them from the unpleasant predicament into which they had rashly stumbled, that the Chinese became sensible of the value of mediation and conciliation in a case of this kind; but by that time it was too late for them to find any way out of the impasse; and eventually, as will be recorded, they were compelled to accept a settlement *à deux* on the Soviet Government's terms.

The history of the first pourparlers that took place after the rupture was recorded by the Commissariat for Foreign Affairs of the U.S.S.R.[1] in the following terms: 'On the 22nd July, 1929, Mr. Tsai, Manchurian Commissar for Foreign Affairs, was received at his own request by Mr. Melnikov, Consul-General of the U.S.S.R. in Harbin. Mr. Tsai informed the latter that he had just arrived from Mukden and had been instructed by the Mukden Government to make the following proposals with the aim of regulating the Sino-Soviet controversy over the Chinese Eastern Railway:

1. The liberation of the arrested Soviet workers and civil servants;
2. The appointment by the Government of the U.S.S.R. of the Manager of the Chinese Eastern Railway and his assistant;
3. The calling of a conference by the representatives of both Governments to regulate the conflict over the Railway in the shortest possible time;
4. The Soviet Government may declare that it does not recognize any post-conflict status of the Railway and that it is not bound by the post-conflict status in any way in the forthcoming negotiations;
5. If the Soviet Government agrees with these proposals, Chang Hsüeh-liang will ask for the agreement of the Nanking Government to these proposals.

[1] In a note of the 1st August, 1929, from the Vice-Commissar for Foreign Affairs, Monsieur Karakhan, to Marshal Chang Hsüeh-liang. (Text in *Soviet Union Review*, vol. vii, No. 9, September 1929).

'Mr. Melnikov refused to consider these propositions of Mr. Tsai, pointing out that he had no authority for this, and that the point of view of the Soviet Government was expressed in its note of the 13th July. However, in view of the request of Mr. Tsai that the Union Government be informed of these proposals, Mr. Melnikov transmitted them to the People's Commissariat for Foreign Affairs. The Union Government . . . made the concession of instructing Mr. Melnikov in Harbin to give the following answer to Mr. Tsai for transmission to [Marshal Chang Hsüeh-liang] as head of the Mukden Government:

(*a*) After the violent seizure by the Chinese authorities of the Chinese Eastern Railway, the Union Government can have no confidence in the proposals emanating from the Mukden Government through the Commissar for Foreign Affairs, Mr. Tsai.

(*b*) In the event, however, that the Nanking or the Mukden Government should officially, in the name of General Chang Hsüeh-liang, make the following proposals to the Government of the U.S.S.R., namely:

1. The liberation of the arrested Soviet workers and civil servants;

2. The appointment by the Government of the U.S.S.R. of the Manager of the Railway and his assistant;

3. The calling of a conference to regulate the conflict over the Chinese Eastern Railway in the shortest possible time.

And if, in addition to this, point 4 of the proposal of the Mukden Government be changed as follows:

The negotiating sides recognize that the post-conflict status of the Chinese Eastern Railway shall be changed in accordance with the Peking and Mukden agreements of 1924;

Then the Union Government will regard these proposals favourably.

'This answer was delivered by Mr. Melnikov to Mr. Tsai at 4 o'clock on the 25th July.

'On the 30th July, Mr. Tsai arrived at the station Manchuria[1] and informed Mr. Melnikov, who was by that time already on Soviet Union territory, of his desire to meet him and transmit the proposals of the Mukden Government.'

On the 1st August, Mr. Tsai delivered to Mr. Melnikov a letter of the 29th July addressed by Marshal Chang Hsüeh-liang to Monsieur Karakhan, and the contents were immediately transmitted to the latter by telegraph. Monsieur Karakhan, however, in a reply addressed to Marshal Chang on the same day, rejected the proposals contained in the Marshal's letter of the 29th on the ground that they differed substantially from the proposals presented to Monsieur Melnikov by Mr. Tsai on the 22nd, particularly in two points: the proposal that the Manager and Assistant-Manager of the C.E.R. should be appointed by the Soviet Government was omitted; and it

[1] Manchouli.

was suggested that 'the post-conflict status' of the railway should be legalized. In the same note, Monsieur Karakhan declared that his proposals of the 25th were the only terms that the Soviet Government would accept.

While the Mukden Government were conducting these direct negotiations, the Nanking Government were reported to have approached Baron Shidehara on the 22nd July, through their Minister in Tokio, with the request that the Japanese Government would lend them their good offices, not as a mediator,[1] but as a channel of communication with Moscow. This request seems to have been declined. About the same time, the Nanking Government informed the British Government that they were 'ready for a round-table conference with representatives of the Soviet Government.'[2]

The only diplomatic move made by the Soviet Government at this stage was a suggestion for direct negotiations *à deux* which was conveyed by the Soviet Ambassador at Berlin to the Chinese Minister at the same place. Direct negotiations were duly started in Berlin before the end of July;[3] and on the 27th August the Chinese Legation in Berlin communicated to the German Ministry for Foreign Affairs, for transmission to Moscow, the following draft[4] for a preliminary joint declaration by the Chinese and Soviet Governments as the starting-point for a settlement:

> Both parties declare that they will settle all controversial questions pending between them in accordance with the agreements of 1924 and, in particular, will determine the conditions for the purchase of the C.E.R. [by the Chinese Government] in accordance with Article ix of the Peking Agreement. Both parties will appoint without delay, and in due form, plenipotentiaries for the settlement of all questions mentioned above.
>
> Both parties believe that 'the post-conflict status' of the C.E.R. must be modified—and this in accordance with the Peking and Mukden Agreements of 1924, though they recognize that all such modifications will have to be determined by the Conference contemplated in the preceding paragraph.
>
> The Soviet Government will recommend a new Director and Vice-

[1] The Nanking Government afterwards expressly stated that their Ministers at Tokio and Washington had received no instructions to ask for the mediation of the Japanese and American Governments.

[2] Statement made on the 24th July, 1929, in the House of Commons at Westminster, by the Secretary of State for Foreign Affairs, in answer to a parliamentary question.

[3] Statement made on the 27th July, at Washington, by Mr. Stimson.

[4] The original of this Chinese draft appears to have been in English. The version given here is reconstructed from a German version, published in the *Berliner Tageblatt* of the 31st August, 1929, of the revised draft suggested by Monsieur Litvinov on the 29th. (See below.)

Director of the C.E.R., who will be appointed by the Administration of the said railway.

The Soviet Government will instruct those employees of the C.E.R. who are Soviet citizens to observe strictly the conditions contained in Article vi of the Agreement of 1924.

Both parties will release without delay all persons who have been placed under arrest in connexion with the present incident, or since the 1st May, 1929.

On the 29th August Monsieur Litvinov handed to the German Ambassador in Moscow, for transmission, a reply in which he agreed to the Chinese draft, subject to the following alterations: In the third paragraph he struck out the word 'new' before 'Director' and added 'without delay' after 'appointed'. In the fourth paragraph he added the following sentence:

The same instructions will be issued by the Chinese Government to its officials and higher organs of administration on the spot.

In regard to the third paragraph, he made the alternative suggestion that the Soviet Government might be willing to recommend a new Russian Manager and Assistant-Manager if the Chinese Government would agree to appoint a new Chinese President of the Board of Directors.

Monsieur Litvinov's amendments were not accepted by the Nanking Government, and certain counter-suggestions which they made in notes of the 9th and 13th September were rejected by him in a note of the 17th.[1] Therewith these negotiations lapsed.

In the meantime, sporadic military engagements which made the rupture more dangerous than ever to the peace of the world had been occurring at various points along the frontiers between Northern Manchuria and Eastern Siberia; and in these operations the roles were reversed; for while the Chinese had been the aggressors in the events which led up to the rupture, the Russians appear to have taken and maintained the offensive in the ensuing raids across the border.

From the moment when they drafted their note of the 13th July,[2] the Soviet Government appear to have decided upon a policy to which they held without swerving until it was justified by success in November and December. They appear to have made up their minds to accept nothing less than the terms laid down in that note; to obtain a settlement on these terms by negotiations with the Chinese *à deux*, without the intervention of any third party or parties; and to bring the Chinese to terms, if adjurations and threats were of no avail,

[1] Text in *The Manchester Guardian*, 18th September, 1929.

[2] See above, p. 349.

by military pressure on the frontiers, exerting not more than the minimum of pressure necessary to achieve their diplomatic aim. This restriction of the use of military force within the narrowest possible limits seems to have been of the essence of the policy; for while the Soviet Government realized that it might prove impossible to achieve their aim except by resort to these means, and had taken the measure of Marshal Chang Hsüeh-liang's forces with sufficient accuracy to feel sure that the means would prove efficacious, they were anxious at the same time to demonstrate to the world, under the test of severe provocation, that Communists were not as other men are, and that no temptation would induce them to behave like 'Capitalists' and sinners. If a 'Capitalist' Government had found itself in their position—labouring under the same wrongs and conscious of the same military superiority—it would assuredly have yielded to the temptation of seeking redress by sanctions, invasions, occupations. The Union of Soviet Socialist Republics preferred to preserve its moral superiority by displaying an unexampled and exemplary patience, relying on the goodness of its cause to vindicate itself, and standing on the defensive. *Ergo*, the military pressure which was to bring the Chinese to their knees must be confined to operations sufficiently modest to pass off as counter-strokes to hostile attacks; and a convenient excuse was afforded by certain raids on Soviet territory which appear to have been made by armed bands of 'White' Russian refugees established in Northern Manchuria[1]—though there appears to have been no foundation for the charge, which the Soviet Government repeatedly made, that these 'White' Russian guerrillas were equipped and incited by the Chinese authorities.[2]

However that might be, the Soviet Government's policy was entirely successful, and this for several reasons: partly because the Chinese, having originally shown themselves in the role of aggressor, could not so easily put off that role in the eyes of the world; partly because the Soviet military authorities had been right in assuming that their own troops were greatly superior to the Manchurian Chinese forces (notwithstanding the prestige of the latter in Chinese civil wars); partly because Marshal Chang Hsüeh-liang left the brunt of the fighting to the provincial armies of Heilungkiang and Kirin, in order to

[1] A note on these lines appears to have been handed to the German Ambassador at Moscow, for transmission to the Nanking and Mukden Governments, on the 19th August, 1929. This was followed by further notes on the same subject on the 10th and the 25th September and on the 13th October.

[2] There is no reason to suspect that the Chinese authorities even passively connived at these 'White' Russian activities, which were carried on in districts over which the Mukden Government had little control.

spare the army of his metropolitan province of Fengtien;[1] and partly, perhaps, because, as the border warfare went on, 'the Young Marshal' began to become uneasy about its possible effect upon the balance of power in China between himself and his peers. Suppose that General Chiang Kai-shek were to play a waiting game until the treasury and the arsenal at Mukden were depleted and were then to send a Kuo-mintang army north of the Great Wall in order to come to the rescue of his young friend and take up the national struggle against the foreign enemy on Manchurian soil, might not that be the end of the dominion which Chang Hsüeh-liang had inherited from his father? For these various reasons, the Soviet Government were justified in calculating that their military pressure would not have to be carried beyond the limits of decency in order to produce the desired effect.

The first intimation of warlike intentions on the Russian side was the appointment, early in August, of General Blücher (alias Galen)[2] to be commander of the Soviet forces in the Far East. The first serious raid was made on the 16th August, when the Soviet forces penetrated to Jalai Nor—a coal-field on the C.E.R., about eighteen miles south-east of the north-western frontier station of Manchouli—and thereafter the raiding seems to have been carried on, with a gradual increase of intensity, at different points from end to end of the Manchurian-Siberian frontier.

The Chinese authorities in Manchuria retorted by interning resident Soviet citizens, including a certain number of women, in much larger numbers than before and filling their places—for the majority of them were employees of the C.E.R. and subsidiary undertakings—with Chinese or else with 'White' Russians who were either Chinese citizens or juridically of no nationality. On the 7th September the Soviet Government delivered a verbal note to the German Embassy at Moscow in which they protested against the ill-treatment which they alleged that the Soviet citizens interned in Manchuria were suffering, announced that they were instituting reprisals against Chinese residents in the U.S.S.R., and took occasion to complain that the German Consuls at Harbin and elsewhere had not done all that they might have done on behalf of the Soviet citizens under their care.[3] To this complaint the German Government returned a sharp reply,[4] coupled

[1] Fengtien troops were, however, sent to the front, where they proved a greater scourge than the local Chinese troops to the civilian population.

[2] For Galen's career in China as a colleague of Borodin, see the *Survey for 1927*, p. 355.

[3] In the opinion of the writer of this *Survey*, who visited Harbin in November 1929, this charge was unfounded.

[4] Text of this reply in the *Berliner Tageblatt*, 10th September, 1929.

with an admonition to the Soviet Government to postpone reprisals until the reports of ill-treatment of interned Soviet citizens in Manchuria had been investigated. In a counter-reply, the Soviet Government reiterated their allegations of ill-treatment and announced that reprisals were already being taken. In October, the German Government proposed to the Chinese and the Soviet Governments that they should both renounce the measures that had been taken in either country against the persons and property of private persons in connexion with the conflict between the two states, and that nationals of either country who were interned in the other should be released and repatriated. The Chinese Government declared themselves ready to act on this suggestion; the Soviet Government rejected it, on the ground that the Chinese Government's word could not be trusted.

Thus all overtures for a *rapprochement* between the two parties to the rupture proved abortive until the Chinese were brought to their knees by a sudden intensification of the Russian military pressure in the latter half of November 1929. On the 17th of that month, the Soviet forces launched a vigorous attack, in which all arms co-operated against Manchouli and Jalai Nor simultaneously and captured both places, together with their Chinese garrisons. The Soviet forces engaged were not numerous—it was afterwards estimated by an authoritative neutral investigator that, from beginning to end of these operations, there were never more than 3,000 Soviet troops on Chinese soil—but they were well-equipped, efficient, and under strict discipline.[1] The Chinese troops, on the other hand, were ill-equipped and mostly out of hand. Only one Chinese force fought well—the force that was entrenched outside Manchouli under the command of General Liang Chung-chia. The troops stationed in Manchouli itself devoted their energies, before surrendering, to looting the town. The Chinese garrison at Hailar (a station on the C.E.R. about 125 miles south-east of Manchouli) likewise looted that town on the 23rd and 24th November before they were put to flight by a Soviet air-raid. Thereafter, Hailar was occupied on the 27th, and was held for about a month, by a small Soviet garrison consisting of about 300 infantry and 200 mechanics and pilots of the air force. This was the limit of the Soviet forces' advance on the ground, but they carried their air-raids as far as Buhetu, a point on the railway south-east of the Khingan Mountains. In the occupied territory, the Russians seized all movable property belonging to the C.E.R., but they respected private property; and in every way the conduct of their authorities

[1] The stories of Soviet Russian atrocities which arrived, with the news of the invasion, at Harbin, afterwards proved to be unfounded.

and the discipline of their troops appear to have been exemplary (as, indeed, they had been on the previous raids which penetrated less deep into Chinese territory and were of shorter duration). Moreover, they repaired the damage which had been done, during the operations, to the section of the railway between Hailar and the frontier.

Meanwhile, the news of what was happening in the frontier zone had caused consternation both at Harbin and at Mukden.[1]

At Harbin, both the Chinese and the Russian inhabitants (of all political colours), as well as the foreign residents, were afraid not of the victorious Red Army—which was not expected to advance so far or to fail in discipline if it did advance—but of the defeated and demoralized Chinese troops, who were falling back south-eastward along the line of the C.E.R. and were consoling themselves for their military discomfiture by pillaging the places *en route* and even robbing the civilian refugees, who were flying neck-and-neck with them, of such scanty belongings as these had managed to bring away from their abandoned homes. On the 22nd November, the Consular Body at Harbin met to consider the advisability of making arrangements for evacuating all foreign women and children. Happily, the avalanche of the Chinese army's *débacle* came to a standstill before it reached the city.

At Mukden, the military disaster on the frontier had the immediate political effect of inducing Marshal Chang Hsüeh-liang to sue for peace on the Soviet Government's terms. On the 19th November the representative at Khabarovsk of the Commissariat for Foreign Affairs of the U.S.S.R., Mr. Simanovsky, received a telegram from the Commissioner for Foreign Affairs of the local Chinese Government at Mukden, Mr. Tsai Yun-sheng, announcing that envoys were being dispatched with a message; and on the 21st, at Pogranichnaya, a Chinese Colonel, accompanied by a member of the staff of the Soviet Consulate at Harbin, crossed the front and delivered the message, which was to the effect that Mr. Tsai had been empowered to open negotiations for a settlement. Monsieur Litvinov replied by demanding, as a preliminary, the acceptance of the conditions which had been laid down by the Soviet Government in their ultimatum of the 13th July and again in their note of the 25th of the same month. In a telegram of the 26th November, Chang Hsüeh-liang accepted these preliminary conditions, and Monsieur Litvinov then laid down the lines for negotiations in the following note:[2]

I have received your telegram of the 26th November declaring your

[1] The writer of this *Survey* happened to be at Mukden on the 17th–20th November and at Harbin on the 21st–22nd.

[2] Text in *The Manchester Guardian*, 29th November, 1929.

full acceptance of the preliminary conditions communicated in writing on the 22nd November through Tsai Yun-sheng, the Diplomatic Commissar at Harbin. These conditions were as follows:

1. Official consent by the Chinese to the restoration of the situation on the Chinese Eastern Railway existing prior to the conflict, on the basis of the 1924 Peking and Mukden agreements.

2. Immediate reinstatement of the Manager and Assistant-Manager of the railway recommended by the Soviet side in accordance with the Peking and Mukden agreements.

3. Immediate release of all Soviet citizens arrested in connexion with the dispute.

In accordance with point two, the Soviet Government recommends the reinstatement as Manager of the Chinese Eastern Railway of Yemshanov and as Assistant-Manager of Eismond, and expects your immediate confirmation thereof.

As regards points one and three, also accepted by you, the Soviet Government propose, so soon as point two has been fulfilled, that you send your representative to Khabarovsk with official written credentials, and for its part appoints Simanovsky, agent for the People's Commissariat of Foreign Affairs in Khabarovsk, for the discussion of technical questions connected with carrying out these points as well as for the settlement of questions concerning the time and place of the Soviet-Chinese conference.

On the 29th, Monsieur Litvinov rejected a proposal from the Chinese Central Government at Nanking, which was transmitted to him through the German Ambassador in Moscow, that troops on both sides should be withdrawn to a distance of thirty miles from the frontier and that the railway dispute should be referred to arbitration.

With equal energy and greater animus, the Soviet Government rebuffed certain representations which were made by third parties.

These representations were not made through the channel of the League of Nations. On the 11th November, 1929, the British Secretary of State for Foreign Affairs informed the House of Commons at Westminster that—according to a statement made to the British Minister in China by the Chinese Minister for Foreign Affairs—the Nanking Government did not intend to appeal to the League of Nations until the Soviet Government declared war or seriously invaded Chinese territory. On the 28th November, after the serious invasion, recorded above, had occurred, the Chinese Minister in London informed Mr. Henderson that his Government contemplated such an appeal and asked for his views on the matter—whereupon Mr. Henderson pointed out the difficulty that arose owing to the U.S.S.R. not being a member of the League, and informed the

Minister of a fresh *démarche* that had just been made by the American Government.[1]

When the news of the Russian offensive against Jalai Nor and Manchouli had reached Washington, Mr. Stimson had promptly conferred once again with the Governments of Great Britain, France, Japan, Germany, and Italy, with a view, not to intervening, but to giving some concordant and simultaneous and public expression to the views of the six Powers on the situation and at the same time drawing the attention of the two disputants once again to the provisions of the Pact of Paris, particularly to Article 2.[2] Three of the five Powers whom Mr. Stimson had approached—namely, Great Britain, France, and Italy—accepted the American suggestion; and accordingly, on the 2nd December, four pairs of memoranda, all couched in similar terms, were addressed to the Governments at Nanking and Moscow.[3] Germany held back, in view of her special position as the Power in charge of the interests of both the disputants, and in view of the action which she had taken on her own initiative already. Japan held aloof altogether.[4] On the 2nd December Mr. Stimson also sent a synopsis of the American pair of memoranda to the forty-seven other Governments which had now ratified the Pact,[5] and asked for their support. Several Governments—for example, those of Egypt, Jugoslavia, Turkey, and Rumania—responded by addressing communications to the two disputants on the same lines as those which had been addressed to them on the 2nd December by

[1] Statement made by Mr. Henderson in the House of Commons at Westminster on the 2nd December, 1929. Mr. Henderson had already drawn attention to the same difficulty when, on the 22nd July, he was reporting the first American *démarche* (see pp. 353–4 above) to the House of Commons.

[2] See *Documents on International Affairs, 1928*, p. 1.

[3] See a statement made in the House of Commons at Westminster by Mr. Henderson on the 2nd December, 1929; and also the text of the British identic memorandum, addressed to the Governments at Nanking and Moscow, which was made public by the Foreign Office in Whitehall on the 2nd December. The texts of the British and American notes are reprinted in *Documents on International Affairs, 1929*. The text of the French identic memorandum is printed in *Le Temps*, 4th December, 1929; and the text of the Italian Memorandum in *The Manchester Guardian*, 4th December, 1929.

[4] From the outset, Baron Shidehara had been chary of associating himself with Mr. Stimson's policy (see n. 2 on p. 354 above). At this stage his view seems to have been that the parties were evidently coming to terms, that there was no danger of real war, and that any diplomatic *démarche* by third parties would meet with a rebuff—as indeed Mr. Stimson's *démarche* did meet with a rebuff from the Soviet Government.

[5] On the 2nd December, 1929, there were altogether fifty-five Governments that had ratified the Pact of Paris, including both the Governments at Moscow and at Nanking and the Governments of the five Powers that had been asked first by Mr. Stimson to join the United States in making a *démarche*.

the four Powers. On the other hand, the Swiss Federal Council decided to refrain from taking action, on the two-fold ground of the 'special situation' of Switzerland[1] and of the absence of diplomatic relations between the Swiss and the Soviet Government.

Both the communications of the 2nd December and those that followed gave umbrage to the Soviet Government—particularly, it seems, the communication from Rumania; for although the Soviet Government had taken the initiative in bringing about the signature and ratification of a protocol which brought the Pact of Paris into force, in advance of its general entry into force, as between the U.S.S.R. and her European neighbours,[2] diplomatic relations between the U.S.S.R. and Rumania had never been established and the Soviet Government had never ceased to protest against the *de facto* incorporation in Rumania of Bessarabia. In consequence, when the French Ambassador in Moscow, Monsieur Herbette, acting under instructions from his home Government, sought to convey the Rumanian communication to Monsieur Litvinov on the Rumanian Government's behalf, Monsieur Litvinov refused either to listen to a recitation of the Rumanian document or to allow Monsieur Herbette to leave a copy of it on his table. In reply to those pairs of identic memoranda which had been sent to the Nanking and Moscow Governments respectively by the American, British, French, and Italian Governments on the 2nd December, the Nanking Government dispatched a conciliatory note[3] on the 4th December. The Moscow Government, on the other hand, made a sharp rejoinder,[4] asserting that the measures taken by the Red Army had been taken entirely in self-defence and were in no way a breach of the Pact of Paris; pointing out that the memoranda had been presented by the Powers at

[1] Compare the attitude of Switzerland in 1920 in regard to membership of the League of Nations. In reply to Swiss representations that certain of the obligations imposed by Article 16 of the Covenant were incompatible with neutrality, the Council of the League, in February 1920, adopted a resolution recognizing Switzerland's 'special situation' and conceding the point that she should not be obliged to take part in a military action or to allow the passage of foreign troops or the preparation of military operations within her territory. About a year later Switzerland took advantage of the terms of this resolution and refused to allow the passage across her territory of an international force which the League was attempting to organize with a view to the supervision of a plebiscite in the Vilna district. (See *The World after the Peace Conference*, p. 38.)

[2] See the present volume, Part I A, Section (iv).

[3] Text in official Report of Parliamentary Debates in the House of Commons at Westminster, 9th December, 1929, and in *Documents on International Affairs, 1929*.

[4] Summary in Hansard *loc. cit.*; text in *Documents on International Affairs, 1929*.

a moment when the Soviet Government and the local Chinese Government at Mukden had already come to a preliminary agreement and were carrying on direct negotiations; characterizing the *démarche* as an unjustifiable exertion of pressure upon these negotiations; and declaring that it could in no way be regarded as a friendly act.[1]

Meanwhile, on the 30th November,[2] the representative of the Mukden Government, Mr. Tsai, had left Harbin to meet the representative of the Moscow Government, Monsieur Simanovsky, at Nikolsk; and as a result of three days' negotiations there, from the 1st to the 3rd December, certain provisional heads of agreement were worked out.[3] These were that the Mukden Government should dismiss the President of the C.E.R., Mr. Liu; that the Soviet Government should withdraw MM. Yemshanov and Eismond from the posts of Manager and Assistant-Manager (with the proviso that they might be employed on the C.E.R. in other capacities) and should nominate two other Soviet citizens in their places; that the Mukden Government should declare their desire to eliminate the causes of all disputes, present and future, over the C.E.R.; and that both Governments should declare their intention to observe strictly the terms of the agreement of 1924. After Mr. Tsai had returned from Nikolsk to Mukden to secure his Government's approval of these provisional heads of agreement, he met Monsieur Simanovsky again on the 16th December, this time at Khabarovsk; and there, on the 22nd December, the two negotiators signed a protocol.[4] This instrument provided for the restoration of the *status quo ante* on the C.E.R.; the immediate restoration of the Soviet Consulates and commercial organizations in the Three Eastern Provinces and of Chinese Consulates and commercial organizations in the Far Eastern territories of the U.S.S.R.; the immediate withdrawal of troops; the immediate release, on both sides, of persons interned in connexion with the dispute; the dis-

[1] This insinuation that the United States and the Powers which had associated themselves with her had acted with the object of influencing the negotiations between Mukden and Moscow is sufficiently disproved by a consideration of the dates. The diplomatic activities that resulted in the *démarche* of the 2nd December had been started by Mr. Stimson at least as early as those started by Chang Hsüeh-liang which resulted in the negotiations at Nikolsk (see below).

[2] Statement made in the House or Commons at Westminster by Mr. Henderson on the 2nd December, 1929.

[3] See *The Daily Telegraph*, 9th December, 1929. The text of the preliminary protocol signed at Nikolsk will be found in *Documents on International Affairs, 1929*.

[4] Text in *op. cit.*

armament of any armed bands of Russian 'White Guards' on Chinese soil, and the deportation of their leaders, by the Mukden Government; and the opening of a further conference at Moscow on the 25th January, 1930, for the settlement of all outstanding questions, including the full restoration of diplomatic relations.[1]

The Soviet citizens interned in the Three Eastern Provinces were duly released on the 31st December, and those of them who had been in the service of the C.E.R. were restored to their posts, while the new Chinese and 'White' Russian employees who had been substituted for them were discharged. This was the first act of the new Manager, Monsieur U. V. Rudyi, and Assistant-Manager, Monsieur Denisov, who arrived at Harbin from the U.S.S.R. at the end of the year. The through-service of trains between Vladivostok and Moscow over the track of the C.E.R. was resumed before the end of January 1930.[2]

The Soviet forces also ceased operations and withdrew to their side of the frontier, but not without leaving a thorn in their adversaries' flesh. The Chinese territory which they had occupied coincided approximately with the Barga Buriat principality—a district that had been detached from Outer Mongolia and brought under the control of the local Chinese Government at Mukden in the course of the years 1912–20. In August 1928, raiders from Outer Mongolia had made an abortive attempt to liberate the Barga principality from the Mukden Government's control;[3] and again on the 15th December, 1929, a force of 'Young Mongols' was reported to have entered Hailar under cover of the Soviet military occupation. This force appears to have remained there when the Red Army departed. In January 1930 it was reported that the Barga Buriats were negotiating with Mukden for the recognition of their autonomy.

Thus the Sino-Russian dispute of 1929 over the C.E.R. was brought to an end by military operations on the Russian side which forced the Chinese into negotiating with the Russians *à deux* and accepting a settlement on the Russian terms.

The conference which, by the terms of the protocol of the 21st December, 1929, was to have opened at Moscow on the 25th January,

[1] It should be noted that this last condition was one which the Mukden Government had no power to fulfil. Its fulfilment depended on the Nanking Government's decision; and, down to the time of writing, the Nanking Government had not accepted this subject as an item for the agenda of the proposed conference at Moscow.

[2] The writer of this *Survey* left Vladivostok for Moscow on the 14th January, 1930, in the last train but one which took the route, running entirely through Soviet Russian territory, via Khabarovsk.

[3] See the *Survey for 1928*, pp. 383–4.

1930, was delayed by a difference of opinion between the parties as to what subjects were to be placed on the agenda; and when Mr. Mo Teh-hui, a former Governor of Mukden and now the Chinese President of the C.E.R., left Harbin for Moscow, on the 1st May, as Chinese negotiator, he announced that 'the full restoration of diplomatic relations' was not included in his instructions.

PART IV

THE FAR EAST AND THE PACIFIC

B. THE PACIFIC

(i) The Fisheries Treaty between Japan and the U.S.S.R. (1928).

Article 3 of the treaty between Japan and the U.S.S.R., which was signed at Peking on the 21st January, 1925,[1] provided that the two countries should enter into negotiations[2] for the revision of the Fisheries Convention of the 28th July, 1907, in which a detailed procedure had been laid down securing to Japanese subjects the rights of fishing in Russian waters which had been conferred upon them by Article II of the Russo-Japanese Peace Treaty of Portsmouth of 1905. These fishing rights were the cause of considerable friction between Japan and Russia. The Japanese had gradually acquired a preponderant share of the fisheries, and in April 1922 they had suspended payment of the dues to which the Russian Government were entitled under the 1907 convention.[3] In 1924, however, provisional arrangements were made for the leasing of fishery lots to Japanese nationals, and the Russo-Japanese treaty of the 21st January, 1925, provided for the maintenance of this temporary procedure until a new convention had been concluded.

Negotiations for the revision of the Fisheries Convention of 1907 opened early in 1926, but progress was very slow, and it was not until October 1927 that agreement was reached. In the middle of that month a new convention was initialled, and signature took place in Moscow on the 23rd January, 1928. The convention, to which were annexed four protocols and an exchange of notes,[4] granted to Japanese subjects 'the right to catch, to take and to prepare all kinds of fish and aquatic products, except fur-seals and sea-otters, along the coasts of the possessions of the Union of Soviet Socialist Republics in the Japan, Okhotsk, and Behring Seas, with the exception of rivers and inlets.' Japanese subjects engaged in the fishing industry in the districts specified were to be entitled, generally

[1] See the *Survey for 1925*, vol. ii, Part III, section (iv).

[2] The treaty of January 1925 also provided for the conclusion of a treaty of commerce and navigation between Japan and the U.S.S.R., but up to the end of the year 1929 formal negotiations for such a treaty had not been initiated, though a Japanese mission, headed by Viscount Goto, had visited Moscow in December 1927 and January 1928 with the avowed object of studying economic conditions in the U.S.S.R., in preparation for the negotiation of an economic treaty.

[3] See the *Survey for 1920–3*, p. 444.

[4] The texts will be found in *League of Nations Treaty Series*, vol. lxxx.

speaking, to treatment not less favourable than that accorded to nationals of the U.S.S.R. engaged in the same industry. Detailed provisions were laid down in regard to the leasing of fishery lots, the levying of taxes and fees by the Russian authorities, the establishment and operation of Japanese canning factories, the application to Japanese subjects of labour laws and regulations, transport questions, &c. The convention, together with the annexed protocols, was to remain in force for eight years. At the end of that period it was to be renewed or revised, and thereafter it was to be subject to renewal or revision at the end of every twelve years.

The conclusion of this agreement did not, unfortunately, put an end to the difficulties which had been experienced in the past. Ratifications of the convention were exchanged on the 23rd May, 1928, and its terms came into effect five days later. It had not been in force for ten days when the Japanese Government were reported to have instructed their Ambassador in Moscow to protest against alleged breaches of its provisions, and another protest appears to have been made in March 1929, as the result of complaints by Japanese fishermen that their interests had been prejudiced by the action of the Soviet authorities in connexion with an auction of fishery lots which had been held in the previous month.[1]

(ii) The Dispute between the United States and the Netherlands regarding Sovereignty over Palmas (Miangas) Island.

The question of the sovereignty over the island of Palmas or Miangas, which was settled by an arbitral decision given on the 4th April, 1928, had been in dispute between the Netherlands and the United States since 1906. The island, which appeared to have practically no strategic or economic value, was only about two miles long and three-quarters of a mile wide, and had about 700 inhabitants. It was situated in the Pacific, at about 5 degrees and 35 minutes north latitude, and 126 degrees 36 minutes east longitude. The nearest points of territory belonging respectively to the United States and the Netherlands were the island of Mindanao, in the Philippine group, about forty-nine miles to the north-west, and the Nanusa Islands, forming part of the Dutch East Indies, about fifty-one miles to the south-east.[2] By the Treaty of Paris of the 10th

[1] Article II of the convention of the 21st January, 1928, provided that leases of fishing lots should be granted by public auction, to be held at Vladivostok in February of each year.

[2] See the small sketch map reproduced in *Foreign Affairs*, of New York, vol. v, No. 1 (October 1926).

December, 1898, Spain ceded to the United States all the islands west of the meridian of 127 degrees east longitude and north of the parallel of 4 degrees 45 minutes north latitude. There was, therefore, no doubt that the island lay within the zone which passed into the possession of the United States at the end of the Spanish-American War, and the question in dispute was whether it was within the power of Spain to cede the island in 1898—that is, whether sovereignty was actually vested in Spain at that date.

In January 1906, General Leonard Wood, who was at that time Governor of the Province of Moro in the Philippine Islands, visited Palmas Island in the course of a tour of inspection, and was surprised to find a Dutch flag flying. Prolonged correspondence followed between the Governments of the United States, the Netherlands, and Spain, but it proved impossible to settle the dispute through diplomatic channels, and it was decided to submit it to arbitration. On the 23rd January, 1925, an agreement[1] was signed between the United States and the Netherlands, providing that the dispute should be submitted to the Permanent Court of Arbitration at The Hague; that the arbitral court should consist of a single arbitrator; and that 'the sole duty of the arbitrator' should be 'to decide whether the Island of Palmas (or Miangas) in its entirety forms a part of territory belonging to the United States of America or of Netherlands territory'. In September 1925 Monsieur Max Huber, a member of the Permanent Court of Arbitration, accepted the office of arbitrator.

The case submitted by the United States to the arbitrator was based on the cession of the island by Spain in 1898 and on Spain's claim to sovereignty. This claim, in turn, rested on the title conferred by exploration and discovery, and on the alleged recognition of sovereignty in various Papal Bulls and international agreements of the fifteenth and sixteenth centuries. The argument of geographical propinquity to the Philippine archipelago was also used in support of the American claim.

The Netherlands Government, on the other hand, maintained that Dutch authority had been exercised over the island ever since the days of the Dutch East India Company, and in support of their claim they referred to political contracts concluded between the East India Company and certain chieftains to whom the inhabitants of Palmas Island were said to have owed allegiance. The controversy

[1] The text was published as No. 711 of the *United States Treaty Series*. It will also be found in the *League of Nations Treaty Series*, vol. xxxiii, and in the *American Journal of International Law*, vol. 22, No. 4 (October 1928).

turned to some extent on the identity of places mentioned in old maps or records, which were extremely difficult to locate with accuracy, owing to the varieties of spelling adopted. (It may be noted that the parties were unable to agree whether the name of the island in dispute was Palmas or Miangas.)

The arbitrator gave his award on the 4th April, 1928.[1] He found that the United States had not established the fact that Spanish sovereignty over the island had been 'effectively displayed at any time', whereas the claim of the Netherlands, which was founded on the title of 'peaceful and continuous display of state authority over the island' was 'sufficiently established by evidence'. In his opinion, the Netherlands had succeeded in proving that, at least since 1700, the island had formed part of native states which had been connected, from 1677 onwards, 'with the East India Company, and thereby with the Netherlands, by contracts of suzerainty, which conferred upon the suzerain such powers as would justify his considering the vassal state as part of his territory'; and that 'acts characteristic of state authority' had been established 'as occurring at different epochs between 1700 and 1898, as well as in the period between 1898 and 1906'. In international law, a title based on 'peaceful and continuous display of state authority' would prevail over 'a title of acquisition of sovereignty not followed by actual display of state authority', and the arbitrator therefore awarded the island to the Netherlands.

(iii) The Administration of the Mandate for Western Samoa (1926–9).

In a previous volume of this *Survey*[2] it has been noted that the civil administration in the territory of Western Samoa which was carried on, under a Mandate,[3] by the Government of New Zealand, was 'happy in having no history' during the first six years of its existence, from the 1st May, 1920, to the 31st March, 1926; and that the unobtrusive but uninterrupted work of the Mandatory Power during that period was highly commended by the Permanent Mandates Commission of the League of Nations in their report on their tenth session, which was held on the 4th–19th November, 1926.

[1] The full text of the award will be found in the *American Journal of International Law*, vol. 22, No. 4 (October 1928). For a discussion of the various questions of international law raised by the award, see an article by Philip C. Jessup in *op. cit., loc. cit.*

[2] *Survey for 1926*, Part III B, section (ii).

[3] The Mandate had been conferred by the Principal Allied and Associated Powers on the 7th May, 1919. The terms of the Mandate had been approved by the First Assembly of the League of Nations on the 17th December, 1920.

Unhappily, by that date, Western Samoa had just begun to be disturbed by political troubles which, in the course of the next three years, were destined not only to embarrass the Mandatory Power, but to impede to some extent those constructive activities which had excited the Permanent Mandates Commission's admiration. In due course, these troubles came under the Commission's notice; but the light on the new situation in Western Samoa which the Commission obtained by considering the annual reports of the Mandatory Power and interviewing the accredited representatives of New Zealand during their twelfth, thirteenth, and fourteenth sessions did not lead the Commission either to take a less favourable view of the history of this Mandate during its initial period or to attribute to the Mandatory Power[1] more than a small share of the blame for the troubles that had supervened. Indeed, the Commission found themselves in the unusual and perhaps unprecedented position of criticizing a Mandatory Power for having treated the population of a mandated territory with too great forbearance and having failed to take adequate measures to assert its authority.[2]

[1] The Permanent Mandates Commission expressly refrained from any attempt to assess the relative responsibilities of the Government at Wellington and the Administration at Apia, on the ground that the Mandatory Power on the one side and the Council of the League of Nations on the other were the only bodies of which the Commission was cognisant officially. (*Minutes* of the thirteenth session, p. 157.)

[2] e.g. *op. cit.*, pp. 136 and 154; *Minutes* of the fourteenth session, p. 42. The New Zealand Government took up the position that these criticisms involved, by implication, a recommendation that the Mandatory Power should assert its authority by force; and accordingly they gave the following instructions to their accredited representative who attended the sixteenth session of the Permanent Mandates Commission:

'Should the Permanent Mandates Commission or individual members take up on this occasion, as in a somewhat guarded manner they did in the past, the attitude that New Zealand should assert its complete authority in the territory by force, the New Zealand representative is instructed:

'(1) To place the above facts before the Commission;

'(2) To advise the Commission that after the fullest consideration of the circumstances, including the history of the present position, the possibilities of the future, and the most careful calculation of the interests of the Samoans and of the necessity of preserving the authority of the Administration, the Government have definitely refused to adopt force as the solution at the present juncture;

'(3) To add that this decision was taken primarily in the interests of the Samoan people, having regard to the future as well as to the present;

'(4) To exercise (*sic*) the fact that no consideration of New Zealand politics entered into the Government's decision (as was suggested by members of the Commission on a previous occasion) and,

'(5) To state that, if the Permanent Mandates Commission find themselves unable to agree with the wisdom of the course adopted and consider the application of force essential, the New Zealand Government, while,

Notwithstanding the inquiries which were made independently by the Permanent Mandates Commission and by a Royal Commission appointed on the 5th September, 1927, by the Governor-General of New Zealand,[1] the genesis of these troubles in Western Samoa was not completely elucidated. And therefore it may be well here, before attempting to record the events themselves, to make their history as clear as is possible in the circumstances by a brief review of the main relevant features in the antecedent situation.[2]

The mandated territory had a total area of 1,133 square miles and consisted of two larger islands and several others, all but two of which were practically uninhabited. A census taken on the 31st December, 1925,[3] showed a total population of 40,231, consisting of 36,688 Samoans, 446 Europeans of pure blood, 2,052 half-castes, and 1,045 temporarily resident labourers of neither Samoan nor European blood.[4] Since the half-castes had the status of Europeans, the total number of 'Europeans', in the official sense, was

> of course, maintaining their view of the position, would be grateful if the Commission would, in intimating this fact in their report, specify the manner in which, and the degree to which, they consider force should be applied.'

(Sir James Parr's instructions, as cited by him and recorded in the *Minutes* of the sixteenth session of the Permanent Mandates Commission).

The citation of these instructions was followed by a colloquy between the accredited representative and certain members of the Permanent Mandates Commission, whose standpoint was formulated as follows by Monsieur Rappard:

> 'There were certain school classes in which order and authority always reigned, and there were others in which the children were unruly. The classes in which most punishment was inflicted always came under the latter category. Sir James Parr wishes to confront the Commission with a dilemma —should the Mandatory Power abandon its policy of patience and tolerance in order to overcome the resistance of the natives, or should it continue to pursue that policy? It might be replied to this question that the policy which the Commission would recommend was one of patience that would overcome the resistance of the native inhabitants without resort to force.' (*Op. cit.* p. 118.)

[1] See *1927: New Zealand: Western Samoa (Report of Royal Commission concerning the Administration of)*.

[2] In the following review the writer of this *Survey*, having no first-hand knowledge of Western Samoa and its inhabitants, has only been able to draw upon the information afforded by official documents. This is a good source for ascertaining concrete facts and overt acts, but not so good for appreciating imponderable factors and unavowed motives and un-self-conscious states of mind and spontaneous dispositions of feeling. Readers of the *Survey* may be assisted in appreciating 'the weight of the imponderables' by the note printed at the end of this section, which has been communicated from an authoritative quarter.

[3] *Report of the Government of New Zealand* for the year ended 31st March, 1926, p. 9.

[4] Of these, 890 were Chinese and 155 Solomon Islanders.

2,498.[1] During the year ended the 31st March, 1926, the natural increase of the population was 1,176;[2] and during the years 1919–26 inclusive the average rate of increase in the native population had been more than three times as great—thanks to the work of the Health Department—as the average rate during the thirty-one years 1887–1917.[3]

The chief executive power in the territory was in the hands of an Administrator; and, at the time in 1926 when the troubles began, this office was held—and had been held since the 19th March, 1923—by Major-General Sir George Spafford Richardson.[4] General Richardson had had a remarkable career. He had started in the ranks of the British army; had been seconded, as a sergeant, for service under the New Zealand Government as an instructor; and had risen to his present position after more than thirty years of this service, which had culminated in a distinguished record during the General War of 1914–18.

The Administrator was assisted in the general administration of the territory by a Legislative Council, consisting, by statute, of not less than four or more than six official members and a not greater number of unofficial members, elected or nominated, as the Governor-General in Council might determine. 'By regulations made by the Governor-General in Council the number of elected members of the Council was fixed at three. The qualification both for office and as an elector was confined practically to persons of European or mixed European descent, and to persons possessing a certain property or trade qualification.'[5]

The native Samoan population was ruled out because it was thought that their factiousness and their inexperience would make them incompetent to play the part either of electors or of members of Council for the time being. 'In the year 1925 the Administrator suggested for discussion at a Fono of Faipules' (one of the half-

[1] It was afterwards estimated that there were about 400 pure Europeans and 2,200 half-castes in the territory in the year ended the 31st March, 1928 (*Report of the Government of New Zealand* for that year, p. 41).

[2] *Report of the Government of New Zealand* for the year ended the 31st March, 1926, *loc. cit.*

[3] See an interesting graph in the Royal Commission's *Report*, between pp. 490–1. The year 1918 was exceptional, in view of the mortality caused by the influenza epidemic. During the three years 1924–6 the rate of increase was rising as compared with the average rate of the years 1919–23.

[4] General Richardson was the third Administrator since the beginning of the military occupation in August 1914.

[5] Royal Commission's *Report*, p. 42. The number of elected members was subsequently fixed at two, and two nominated native members were added.

yearly meetings of a council of native chiefs representing the native population throughout the territory) 'the question whether it was desirable that the Fono should elect representatives to the Council. The Faipules decided that they did not desire such representation, and the Administrator's suggestion was negatived.'[1] The ground for this decision seems to have been a belief that, in the present stage of development of the Samoan people, native members of Council would not be able to take an effective part in the Council's work,[2] whereas the fact that the native Samoans were represented on the Council might give a pretext for abolishing the Fono—a body which could and did represent native views and interests with greater effect.[3]

The Fono of Faipules had been instituted under the German régime and maintained under the mandatory régime—the latest regulation of its constitution and functions having been made in the Samoa Amendment Act of the 22nd August, 1923. The thirty-four members were appointed by the Administrator (from among 'persons qualified, in accordance with existing usage and custom, to occupy the position of a Faipule') and the appointments were revocable at the Administrator's discretion. During his tenure of office, a Faipule received a salary of £30 per annum. The Fono met twice a year under the Administrator's presidency. At these meetings, the Faipules could initiate business, but the Fono had only advisory powers, and decisions did not acquire the force of law unless and until the Administrator chose to give them such force by a separate and subsequent exercise of his own powers. The Fono was regarded by the Administrator as the official mouthpiece of the native Samoan people in respect of all matters of native administration. If a native applied to him direct, his custom was to refer the application to the Fono before taking a decision himself.[4]

The Administrator regarded the Fono of Faipules as an effective and important organ of liaison between himself and the native population. His critics and opponents, and even some of his friends,[5]

[1] *Op. cit., loc. cit.*, and p. 285; *Minutes* of the thirteenth session of the Permanent Mandates Commission, p. 112.

[2] This was, of course, one of the well-known problems of Colonial administration. For the measures taken for dealing with it in the Philippines, see the *Survey for 1926*, p. 432.

[3] *Minutes* of the thirteenth session of the Permanent Mandates Commission, p. 111.

[4] For the constitution and functions of the Fono of Faipules, see the Royal Commission's *Report*, pp. xvii–xviii, and the *Minutes* of the twelfth session of the Permanent Mandates Commission, pp. 109–10.

[5] e.g. the anonymous author of the article in *The Times*, 26th August, 1927.

depreciated the value of the institution on the ground that the Faipules were 'hand-picked' and that they echoed their master's voice instead of representing the views and wishes of their own compatriots.[1] Sir George Richardson submitted[2] that, although the law did not provide for the nomination, by the people of the district, of their Faipules, he had introduced this system during his régime with a view to teaching the natives some day to elect their Faipules in accordance with modern methods. He testified, however, that 'his efforts in this connexion had not been successful', and that, as regarded one district, 'he had been waiting for two and a half years for the chiefs to nominate one of their number. They had been unable to agree among themselves and he had been informed that each of them wanted to be appointed Faipule. They had stated that they would prefer the Governor to make his selection and to name the individual.' Moreover, the new system, even so far as it went, did not affect the appointments which had been made already under previous régimes; and these appointments were virtually in perpetuity, in the absence of any manifest disapprobation of the appointees in their own districts. It is therefore possible, and indeed probable, both that the Faipules had lost touch with popular feeling in their districts and that their actual views on questions at issue were not effectively presented to the Administrator.

Before the troubles began, the Fono had agreed that districts should nominate their Faipules and submit the names for approval; that the number and distribution of seats in the Fono should be in the ratio of population; and that the term of office should be three years. The outbreak of the troubles prevented these arrangements from being brought into operation.

While the Administrator was assisted on one side of his work by his Legislative Council and was advised on native affairs by the Fono of Faipules, he naturally also had under him an executive staff for conducting the financial and other branches of the administration (though the burden of administration appears to have rested, throughout, almost entirely upon his shoulders). In this public service the Medical Department and the Native Department perhaps call for special mention.

The Medical Department not only treated individual cases on the patient's initiative but conducted systematic campaigns for the

[1] In general, the native Samoan code of politeness inhibited the expression of opposition or disagreement, and this inhibition would of course be particularly strong *vis-à-vis* the Administrator.

[2] *Minutes* of the thirteenth session of the Permanent Mandates Commission, p. 127. Cf. the Royal Commission's *Report*, p. xxx.

extirpation of certain formerly prevalent diseases, such as yaws and hookworm, and for the improvement of sanitation. This work won high praise from impartial and competent outside observers,[1] and the vague complaints that were made against this Department by critics of the Administration in 1926 were afterwards allowed to drop. Down to the year 1923, the people had been expected to pay for medical treatment and medicine; but, on the suggestion of the Fono, a medical tax of £1 per annum per head was imposed on and after the 4th April, 1923; and, in consideration of this, the services of the Department were given free of charge. There was a large immediate rise in the number of cases treated and a steady increase in the number of out-stations and dispensaries maintained by the Department in the countryside.[2] Afterwards, by the Native Personal Tax Ordinance of the 30th September, 1927,[3] the medical tax was consolidated with the older poll-tax at the inclusive figures of £2 for a householder and £1 16*s.* for an ordinary individual.[4] Any native village community might elect to pay this native personal tax in copra instead of in money.

The Secretaryship for Native Affairs was held from 1921 until his death in May 1927 by Mr. H. S. Griffin, who, before his appointment, had worked in Samoa for the London Missionary Society for nineteen years in a business capacity. Mr. Griffin was succeeded by the Assistant-Secretary, Mr. Lewis, who had likewise been in missionary service before he entered the service of the Administration. The Native Department employed over three hundred whole-time or part-time native officials, distributed through the territory, whose salaries amounted in the aggregate to about £10,000.[5]

It should be mentioned that the Administration had virtually no force at its command. There was no naval station or military garrison in the territory; and the police force, at the time when the troubles arose, consisted of one European, two half-castes, and twenty-eight natives.[6] There was a lock-up prison in Apia. The only other prison

[1] See the testimonies cited in the Royal Commission's *Report*, p. xiv.

[2] *Op. cit.*, p. xxxii; *Minutes* of the thirteenth session of the Permanent Mandates Commission, pp. 127–8; *Report of the Government of New Zealand* for the year ended the 31st March, 1923, p. 4.

[3] Text in *Report of the Government of New Zealand* for the year ended the 31st March, 1928, pp. 46–7.

[4] This meant a general reduction of four shillings per head as compared with the aggregate amount of the two taxes previously paid separately.

[5] *1929: New Zealand: Mandated Territory of Western Samoa* (*Extracts from Report on Finances and Staff*), p. 8.

[6] Statement by Sir G. Richardson (*Minutes* of the fourteenth session of the Permanent Mandates Commission, p. 53).

in the territory was 'merely a prison farm, where prisoners were sent to cultivate the land and from which they could walk away if they wished.'[1]

One sanction to which the Administrator sometimes resorted in order to assert his authority over the native population was local 'banishment' from one place to another within the limits of the mandated territory. This was a traditional Samoan custom, dating from before the establishment of Western rule.[2] The right to 'banish' had been vested exclusively in the Governor at the beginning of the German régime, by a proclamation dated the 16th September, 1901, and the substance of the German regulation had been reproduced under the mandatory régime in the Samoan Offenders Ordinance of 1922.[3] Between the coming into effect of the ordinance and the end of the year 1926, 'banishment' orders involving fifty-six persons in all were passed—two orders by General Richardson's predecessor and the remainder by General Richardson himself. In the cases involving thirty-nine of these persons, the complainants or applicants for the orders were the chiefs of the district, or the chiefs of the district together with the heads of the family, or the heads of the family or individuals aggrieved. In nine cases, involving thirteen persons, the Administration was prosecuting. In two cases, relating to four persons, the applicants were not specified in the record.[4]

These, in brief, were the principal relevant institutions of the Administration which was being maintained in Western Samoa by the Mandatory Power at the time when the troubles arose in 1926.

The troubles took the form of resistance (almost entirely passive

[1] Statement by Sir G. Richardson (*Minutes* of the thirteenth session of the Permanent Mandates Commission, p. 135).

[2] Royal Commission's *Report*, p. xxxv. It may be noted that the ordinary sanctions of authority in the Western World were inoperative in Samoa. 'Distraining on the property of the natives was impossible, since all their property was communal. Also, imprisonment was no deterrent for Samoans. Imprisonment was no disgrace to them, and they regarded the prisons as places where they would be fed and sheltered.' (Statement by Sir James Parr in the *Minutes* of the sixteenth session of the Permanent Mandates Commission, p. 113.)

[3] According to General Richardson, this German proclamation was coded into an ordinance, like many others, as a matter of routine—having been in force, and been acted upon, all the time. (*Minutes* of the thirteenth session of the Permanent Mandates Commission, p. 121.) The New Zealand Government, commenting on a petition from the Anti-Slavery and Aborigines Protection Society of London, stated, on the 19th September, 1927, that 'in the year 1922 it had been indispensable to increase the powers of the Administration as far as banishment was concerned in order to strengthen the discipline of the natives'. (*Minutes* of the twelfth session of the Permanent Mandates Commission, p. 125.)

[4] Royal Commission's *Report*, p. xxxvii.

but none the less effective) to the carrying on of the Administration. A noteworthy feature of this opposition was that it was conducted jointly by certain elements in the 'European' (including the half-caste) and the native population. Eventually a majority of the native population appears to have become engaged under the leadership of the half-castes, while the Europeans rallied on the whole to the support of the Administration. In any case, the whole movement was undoubtedly initiated, and probably propagated and sustained throughout, by the numerically small non-native element in the opposition. Moreover, this element was apparently actuated by certain definite objections of its own to the policy which the Government had been pursuing, whereas it remained an open question whether the grievances of the native element in the opposition would ever have occurred spontaneously to the natives' minds if they had not been suggested, as in fact they appear to have been suggested, by Europeans and half-castes who were deliberately working upon the natives' feelings. Thus, not the grievances of the natives but those of their European and half-caste leaders must be regarded as the ultimate cause of the troubles in which natives, half-castes, and Europeans eventually made common cause.

The grievance which was of longest standing and widest range among the European and half-caste population was their objection to the total prohibition of the manufacture, importation, and sale of intoxicating liquor containing a content of proof-spirit in excess of three per cent.—a prohibition which had come into force in Western Samoa with the New Zealand Civil Administration itself on the 1st May, 1920. The Europeans and half-castes demanded exemption from this veto for themselves without prejudice to the question of its imposition on the natives. The Mandatory Power was unwilling to accede to this demand on the two-fold ground that it was both impracticable and unreasonable—impracticable to distinguish between 'Europeans' and natives when some pure-blooded Europeans and many half-castes were living in the same households as natives, and unreasonable to suggest continuing to deprive one element in the population under the mandatory régime of an indulgence if that indulgence were no longer forbidden to others.[1]

[1] For the policy of the Mandatory Power, see the Royal Commission's *Report*, pp. 6–7, and *Minutes* of the thirteenth session of the Permanent Mandates Commission, p. 99. It should be noted that in 1927 the heads of departments of the Administration of the Mandated Territory, with official permission, discussed the existing law and formulated proposals for modifying it (see the minute of the 16th May, 1927, with the scheme appended, in the Royal Commission's *Report*, pp. 419–20). The main proposals were to parry certain

This grievance was evidently a serious factor in the genesis of the political troubles; but, as was pointed out by a member of the Permanent Mandates Commission,[1] it did not account for these troubles in itself, since it had been in existence for more than six years before the troubles broke out.[2] The second grievance which helped to precipitate the troubles, coming, as it did, with a cumulative effect, did not arise till the year 1926 had begun.

This second grievance related to certain steps taken by the Administrator in order to protect the native Samoan producers of copra against exploitation by the European and half-caste traders resident in the territory.[3] Copra was not only the principal export of Western Samoa; it was also almost the only crop cultivated by the natives for sale; and for many years the price received by them had been fixed by the traders acting together as a 'ring'. 'The Samoan had to be content with such price as the traders chose to pay him for his copra. There was no real competition. The Samoan producer was helpless. If he did not accept the traders' fixed price, he had practically no other means of disposing of his product.'[4] Moreover, 'the traders made it a rule to pay one price only, whatever the quality of the product, provided only it would pass the Government Inspector as fit for export. The Samoan producer had no incentive to exercise care and attention in the preparation and drying of his copra. The better the quality of his copra, the more the profits of the traders were enhanced.'[5]

'For many years complaints had been made to the Administrator by many Samoan district councils, complaining of the system under which the Samoans were compelled to sell their copra, and pressing the Administrator to provide some remedy, either by controlling the sale of or regulating the price of native copra, or in some other way ensuring an increased price for their product. The Samoans were aware that in American Samoa, either by sale to or by market-

existing methods of evading the law in the case of the natives and to exempt Europeans and half-castes from the operation of the law—though this under restrictions and safeguards.

[1] *Minutes* of the thirteenth session of the Permanent Mandates Commission, p. 103.

[2] Moreover the amount of the liquor that was imported and issued under medical certificate would seem to indicate that the enforcement of prohibition was not very strict. Apparently the native Samoans were not addicted to alcohol, so that prohibition was not a serious grievance to them.

[3] For this copra question see the *Report* of the Royal Commission, pp. vii–x; *Minutes* of the twelfth session of the Permanent Mandates Commission, pp. 114–15; *Minutes* of the thirteenth session, pp. 102–3 and 105–7.

[4] Royal Commission's *Report, loc. cit.* [5] *Op. cit., loc. cit.*

ing through the Administration, Samoans living in that territory obtained better returns for their copra than the price paid by traders in Samoa. There appears no reason to believe that the copra produced in American Samoa was of better quality than that produced in Western Samoa. The quantity available for export from the first-mentioned territory was about six hundred tons[1], as against twelve thousand tons in Western Samoa. It was admitted that the traders were for some years past aware of the complaint of the Samoans that they were not getting fair treatment in the matter of their copra from the traders. The traders, however, appeared content with the position. It is clear that the Samoan was not in a position, nor was he possessed of the knowledge necessary, to enable him to deal on equal terms with the traders for his copra. The Samoans were wholly incapable of forming a co-operative marketing organization of their own.'[2] The Administrator himself testified[3] that 'the natives had brought up this matter at every Faipule Fono from the year 1923—the first year of his administration—to the time of his departure. He had promised them that, if they would produce good copra, he would get the Government to help them to ship it to England.' In February 1926 he obtained authority from the Minister of External Affairs at Wellington to assist the natives to market their copra through the agency of the New Zealand Reparation Estates.[4] 'The scheme designed by the Administrator had two main objects—namely, firstly, to educate and induce the natives to produce a high-grade copra; and, secondly, to sell the copra so produced through the machinery of the New Zealand Reparation Estates, and so ensure a fair price to the native producer for his product—advancing to him on delivery of copra at Apia of approved quality a sum approximately within £10 of the current London forward market price, and on delivery of copra elsewhere of a similar amount, less the cost of transport to Apia. Accordingly, brief instructions were published in the Samoan language in the official paper, called the *Savali*, as to the method of drying and preparing copra, and an Inspector was detailed to go from village to village to set the scheme working.'[5] The Administrator desired to bring this scheme into operation at the meeting of the Fono in July 1926; but he was

[1] The correct figure seems to have been about 1,400 tons.

[2] *Op. cit., loc. cit.*

[3] *Minutes* of the twelfth session of the Permanent Mandates Commission, p. 101.

[4] Ex-German properties in Western Samoa which were vested in the New Zealand Government in virtue of the terms of the Peace Treaty.

[5] Royal Commission's *Report*, p. ix.

advised that there was not sufficient good copra yet to justify a shipment, the minimum amount for an effective shipment being about one hundred tons. He 'then told the Faipules that if, at the next Fono, they could produce copra in sufficient bulk for a shipment, a shipment would be made'.[1] By December 1926 this condition had been fulfilled; and during the next six months five experimental shipments, aggregating four hundred tons, were made.[2]

This was a small amount compared with the average total annual export of twelve thousand tons. The important facts were, first, that the price per ton which was received on these shipments by the native producers after deductions for cost of collection, transport, and marketing was at least fifty per cent. higher than the flat price dictated by the 'ring';[3] and, second, that it was the intention, if the Administration were 'able to prove that the natives could and would make superior copra for the world's markets', to issue later on 'a local ordinance, based on experience, protecting the natives by fixing a minimum price to be paid for the very best or first-grade copra.'[4] The first formal protest made on the traders' behalf against these measures appears to have been contained in a letter addressed to the Secretary of the Administration by the Chamber of Commerce of Western Samoa on the 18th May, 1927.[5] The Chamber challenged the allegation that the merchants were not paying a fair price and contended that the deductions made by the Administration for costs were less than the real costs, with the implication that, in effect, the net price received by the producers on the Government's shipments included a subsidy. Whatever the rights and wrongs of this controversy might be,[6] it is clear that the traders resented the Administrator's action, and that, although this action was not actually put into operation until December 1926, the policy of the Administration was already a matter of common knowledge at the time when the political troubles were started at a mixed meeting of 'Europeans' and natives which was held on the 15th October,

[1] *Minutes* of the thirteenth session of the Permanent Mandates Commission, p. 105. [2] *Op. cit.*, p. 106.

[3] For details see the *Report* of the Royal Commission, p. ix; *Minutes* of the twelfth session of the Permanent Mandates Commission, p. 115. The copra that fetched this price was of course of higher grade than the average of that bought by the 'ring'.

[4] *Minutes* of the thirteenth session of the Permanent Mandates Commission, p. 107.

[5] Text in the Royal Commission's *Report*, pp. 416–17, together with the Acting-Secretary's reply.

[6] In reply to the Chamber's letter, the Acting-Secretary of the Administration declared bluntly: 'The Administration is satisfied that a fair price has not been paid to the natives for good-quality copra.'

1926. Since the moving spirit at this meeting and in its sequels was the individual who had the largest stake of any in the West Samoa copra trade, it seems reasonable to conclude that the traders' resentment against the Government's copra policy was at least one of the efficient causes of the troubles.

The individual in question was the Hon. Olaf Frederick Nelson, a half-caste of Swedish and Samoan blood, who had naturalized as a British subject in 1924. As the biggest buyer of copra, he had trading-stations and agents all over the territory, and he was an elected member of the Legislative Council. Mr. Nelson had been outwardly on the most friendly terms with Sir George Richardson; and, during an eight months' absence abroad, from February to September 1926, he carried on a correspondence with the Administrator which showed 'no trace of any disagreement' and rendered it 'highly improbable that there had been any disagreement between them before he left . . . on any important matter of administration.'[1] In the course of his travels Mr. Nelson visited Wellington; and there, on the 1st September, 1926, on the strength of a letter of introduction from Sir George Richardson himself,[2] he obtained an interview with the Prime Minister of New Zealand and with the Minister of External Affairs, Mr. Nosworthy. In this interview he made serious charges against Sir George Richardson's administration, and it was arranged that Mr. Nosworthy should pay an official visit to the mandated territory before the next session of the New Zealand Parliament. 'Upon Mr. Nelson's arrival in Samoa, on the 24th September, 1926, he did not inform the Administrator of his interview with the Prime Minister nor of the complaints made by him at that interview relating to Sir George's administration. On the 26th September, 1926, a public reception was given to Mr. Nelson at Apia at which the Administrator was present. At that meeting, in welcoming him, the Administrator made a speech highly eulogistic of Mr. Nelson'; and Mr. Nelson replied in the same strain.[3] Yet, on the 25th, the day after his arrival at Apia and the day before the reception, Mr. Nelson had attended a private meeting, held at Apia in the house of a half-caste named Meredith, at which public action against the Administration had been decided upon.[4]

[1] Royal Commission's *Report*, p. xxi. Text of correspondence in *op. cit.*, pp. 463–5.

[2] *Minutes* of the thirteenth session of the Permanent Mandates Commission, p. 126.

[3] Text of Sir George Richardson's speech in the Royal Commission's *Report*, p. 466; extract from Mr. Nelson's reply, p. xxi.

[4] See *op. cit.*, p. xxii; *Minutes* of the thirteenth session of the Permanent

At this meeting there were present, in addition to Mr. Meredith and Mr. Nelson, two of Mr. Nelson's colleagues on the Legislative Council, named Westbrook and Williams, as well as five natives; and on this occasion it was arranged that a public mixed meeting of Europeans and natives should be called. This public meeting was advertised in the press for the 15th October, 'to consider representations to be made to the Hon. W. Nosworthy, Minister of External Affairs for New Zealand, on his forthcoming visit'. Messrs. Nelson, Westbrook, and Williams appeared as the conveners, presumably on the strength of their membership of the Legislative Council. Yet, between the 25th September and the 15th October, none of these three Councillors ever informed the Administrator personally about the meeting or its objects.[1]

On the 15th October the public meeting was held,[2] with Mr. Nelson in the chair, and the following decisions were taken:

1. That a document be prepared setting out the matters of dissatisfaction among all people in Samoa, and to be conveyed to the New Zealand Government.
2. That a committee consisting of six Samoans, six whites, and the three Legislative Councillors be appointed.
3. That a wireless message be sent to New Zealand asking that the Minister be sent to Samoa in November.
4. That the following matters be recorded:

I. That Faipules (F.P.) be appointed on the Legislative Council.

II. (*a*) That the accounts (money matters) of the Government of Samoa be inquired into; that the white officials be decreased, and their salaries.

(*e*) That the debt of the Samoan Government to New Zealand be inquired into: where has this money gone?

III. The appeal of the white people for the re-establishment of their custom concerning liquor.

IV. (*a*) The appeal of the Samoans against the cruel oppressive despotic authority of the Government in taking away titles of chiefs' names and the banishment of chiefs to villages other than their own.

(*e*) That the Samoans are dissatisfied with the hospital tax.

(*i*) The distress of the Samoans because of the many cruel oppressive despotic laws prohibiting some of their important native customs.

Mandates Commission, p. 109. In regard to what took place at this meeting, Mr. Nelson's evidence conflicted with that of one of the natives present, Tofaeono. The Royal Commission accepted Tofaeono's statement that the decision to hold the public meeting of the 15th October, 1926, was taken on this occasion.

[1] Royal Commission's *Report*, p. xxii.

[2] Minutes in the Royal Commission's *Report*, pp. 449–53; police report in *op. cit.*, pp. lix–lx.

(*o*) The strong restrictions on customs that give prestige to the Ali'i and Faipule, such as 'fine mats'.

(*u*) The prohibiting of Samoans of other villages from living in Apia, where they get work, whether married or not.[1]

The so-called 'Citizens' Committee' was appointed on the spot[2] and divided into sub-committees which were to report to a further meeting on the various matters which it was intended to bring to Mr. Nosworthy's notice; and the second meeting was called for, and held on, the 12th November.[3] This time, as Mr. Nelson was opening the proceedings, the Acting-Secretary of the Administration, who was present by the Administrator's orders, intervened in order to ask leave to read aloud a letter from the Administrator. Leave being granted, the letter was read.[4] It was a warning, addressed to both sections of the people of Samoa, to the effect that the Administrator did not approve of a political meeting which mixed native politics with European politics, as its tendency must be to disturb the peace, order, and good government of the natives. This intervention was followed by a pause in the proceedings; but eventually, on a motion from Mr. Westbrook, the meeting was continued. The reports of the sub-committees were read, and the following resolutions were passed:

1. As instructions have been received from New Zealand that the Minister would not arrive until May, it was decided to send a deputation of the committee in January to convey the matters to the Government of New Zealand.

2. Samoans and whites to contribute voluntarily towards expenses of deputation, such to be carried out honourably. (The Solosolo people gave at once £3 and Moananu of Mulifanua gave 2*s*.)

3. The committee to decide who shall go on this deputation.

4. That a wireless message be sent to New Zealand, to receive the deputation in January 1927.[5]

Both meetings appear to have been 'packed' and managed by the conveners. It must be recorded to their credit that the proceedings were orderly on both occasions. On the other hand, the decisions and resolutions which emerged can hardly be regarded as genuine expressions of public opinion.

[1] *Op. cit.*, p. 421.

[2] Three of the 'Europeans' appointed on this occasion subsequently withdrew, leaving six Europeans on the Committee altogether—the three Councillors and three others.

[3] Minutes in the Royal Commission's *Report*, pp. lxiii–lxvii and 454–7; police report on pp. lxi–lxiii.

[4] Text in *locc. citt.* and in the *Report of the Government of New Zealand* for the year ended the 31st March, 1927, p. 41.

[5] Royal Commission's *Report*, p. 421.

In reply to the wireless message sent by the second meeting to Mr. Nosworthy at Wellington, the latter 'agreed to receive a European deputation, but said that he would not receive a Samoan delegation until he was assured that they were really representative of the Samoan race, and that their views on native affairs were endorsed by the Fono of Faipules'. Permits to leave Samoa were applied for by the six native members of the Citizens' Committee. 'They informed the Inspector of Police that the complete expenses of their journey would be paid by the Citizens' Committee, and they wished to leave Samoa by the January 1927 steamer. The Inspector of Police refused the permits. In consequence of the permits being refused, Mr. Samuel Meredith proceeded to New Zealand in January 1927.'[1]

Meanwhile, 'a further and supporting committee, consisting exclusively of natives', came into existence between the 12th November, 1926, and Mr. Nosworthy's arrival at Apia on the 2nd June, 1927;[2] and this was the nucleus of the Mau,[3] a native organization which eventually secured the adherence of a majority of the native population of the Mandated Territory[4] and seriously impeded the work of the Administration during the next few years.

The question arose whether the Mau was organized by the natives on their own initiative under the stimulus of sincere grievances, or whether this native organization was called into being, and its grievances were suggested to it, by the European and half-caste section of the Citizens' Committee, for ulterior ends.

A categorical accusation was made by Sir George Richardson:

> The present agitation, which commenced in October last year, was not initiated by the natives, as they were not then dissatisfied. One person with one object only was the originator of the present trouble, viz. Mr. Nelson, the wealthy half-caste merchant, whose aim was apparently to increase his power and influence, particularly in native matters, and so materially enhance his commercial interests.[5]

The Royal Commission which was appointed by the New Zealand

[1] *Op. cit.*, p. xxiii. For the grounds of the refusal, see p. lvi.
[2] *Op. cit., loc. cit.*
[3] 'Mau' was the Samoan word for 'opinion'. The title was probably copied from that of a political organization which had been in existence under the same name in American Samoa for some time, with the object of persuading the United States to grant that territory a civil government (*Minutes* of the thirteenth session of the Permanent Mandates Commission, p. 111).
[4] Estimates varied between 60 and 90 per cent.
[5] Review by the Administrator, dated 25th July, 1927. (Text in Royal Commission's *Report*, pp. 457–9).

Government on the 5th September, 1927, expressed their opinion on the point as follows:

> We are of opinion that between October 1926 and June or July 1927 there must have been an organized campaign throughout Samoa to spread the purposes of the Mau and to secure adherents for it. We think that this propaganda was continued after June or July 1927. The natives say that they were told by Mr. Nelson not to obey the laws and regulations of the Government, but little reliance can be placed on evidence of this kind. Undoubtedly the natives recognized Mr. Nelson as the head of the organization, and would interpret instructions from the committee of the Mau at Apia as emanating from him personally. Mr. Nelson denies that he was concerned in any such propaganda, and, apart from allowing his traders to collect subscriptions for the Mau, there is no direct evidence that he was so concerned. It must be borne in mind that evidence of such intervention would be difficult to obtain.
>
> The persons of mixed or wholly European blood who were concerned in the activities of the Mau were: Mr. Nelson, who is a half-caste Samoan and a person of considerable wealth acquired in Samoa; Mr. Meredith, also a half-caste Samoan, and married to Lago Lago's sister; and Messrs. Westbrook, Williams, and Gurr, all Europeans who have married native women. Mr. Smyth is of pure European descent. We mention these circumstances because their association with the Samoans was calculated to increase their influence with them.
>
> While on this subject, it is right to say that we are satisfied that the ordinary trader in no way associated himself with the organization, and that there was no sign or indication of the existence of any German influence supporting the Mau.[1]

Passing from the question of direct evidence to that of presumptive evidence, it is noteworthy that while the sectional grievances of the Europeans and half-castes—particularly those against the prohibition of alcohol and against the Administration's copra policy—were unquestionably sincere[2] and strongly felt, there is no such certainty about the common grievances and the sectional grievances of the natives, which were formulated at the joint public meeting of the 15th October, 1926. The indictment against the financial side of the Administration was mainly based upon alleged comparisons with expenditure in Fiji and Tonga, which were afterwards proved by the Royal Commission to rest on quite reckless mis-statements of fact.[3]

[1] Royal Commission's *Report*, pp. xxvi–xxvii.

[2] Whether these grievances were also justified is, of course, another question.

[3] Royal Commission's *Report*, pp. x–xv. It should be noted, however, that although the criticisms made by the Citizens' Committee under this head were evidently wide of the mark, even if made in good faith, the finances of the Administration, and indeed the whole public service, were afterwards severely criticized by a mission which was sent out by the New Zealand Government to Western Samoa in November 1928 at the request of Sir George Richardson's

The proposal that Faipules should be appointed on the Legislative Council had already been considered and rejected by the Fono it-

successor, the then Administrator, Colonel Allen. This mission consisted of three high officials, the Public Service Commissioner, the Assistant Secretary of the Treasury, and the Secretary to the Department of External Affairs. Only extracts from their reports were published (*1929: New Zealand: Mandated Territory of Western Samoa [Extracts from Report on Finances and Staff]*), but nothing of real moment appears to have been withheld from publication. 'Speaking generally,' they wrote, 'our considered opinion, after investigation, is that the Public Service of Western Samoa, including the Reparation Estates, requires immediate reorganization, and that the finances are in an unsatisfactory position.' This report carries great weight, even though it gives the impression that the members of the mission perhaps applied too rigidly to the mandated territory the tests and standards to which they were accustomed at home. When this report came before the Permanent Mandates Commission, they were struck by its difference in tone and tenor from the other official documents that had been communicated by the Mandatory Power—e.g. the *Annual Report* for 1928–9, which was dated the 8th July, 1929, that is, nearly six months later than the *Report on Finances and Staff*, which was dated the 15th January, 1929. This discrepancy was the subject of a colloquy between certain members of the Permanent Mandates Commission and the accredited representative of the Mandatory Power during the sixteenth session of the Commission; and in their report on this session the Commission referred to the matter as follows:

> 'The Permanent Mandates Commission had before it at its present session (1) the annual report of the Mandatory Power for the year 1928–9, and (2) a report forwarded by the New Zealand Government on various financial and staff matters, drawn up by three high officials who, under instructions from the Mandatory Power, visited Samoa at the end of the year 1928. This latter report was generally approved by the New Zealand Government.
>
> 'The Permanent Mandates Commission encountered a real difficulty in forming a judgement upon the actual situation in the territory, since the two reports before it expressed very different estimates of the local administration.
>
> 'The report for 1928–9, like previous annual reports, though admitting the unsettled conditions of the country, is written in a general spirit of optimism. The special report of inquiry, on the other hand, is extremely critical of the whole administration of the territory and of its finances.
>
> 'While greatly appreciating the frankness shown by the publication of this special report of inquiry, the Permanent Mandates Commission deeply regrets the state of affairs which it reveals—a state of affairs which is described by the three commissioners in very severe terms.
>
> 'The Permanent Mandates Commission also noted, on various points, a discrepancy between the report of the Royal Commission appointed in 1927 and that of the three special commissioners. The conclusions at which the Permanent Mandates Commission arrived last year were thus based upon incomplete information.
>
> 'The Commission expresses the earnest hope that the annual reports of the Mandatory Power will, in future, be such as to allow it to form a true opinion of the whole administration, and so to avoid the painful surprise which it experienced this year in considering the report of the administrative experts.'

(*Minutes* of the sixteenth session of the Permanent Mandates Commission, pp. 207–8.)

self;[1] and the hospital tax had been advocated by the Fono[2] (though of course it might be represented that, in making this recommendation, the Fono had been insincere or unrepresentative). The taking away of titles, as well as the sanction of local banishment, were traditional native customs; and though the right to practise them was now confined to the Administrator, it was generally exercised by him on the application of native chiefs and in support of their authority.[3] The custom of presenting 'fine mats' to notables had become a burden and a cause of dissensions[4], and in June 1923 the Fono passed a resolution prohibiting the practice for an experimental period of three years. This prohibition was renewed in June 1926.[5] Here again the initiative had come from the Fono, and the Administrator had deliberately refrained from giving their resolution the force of law. In general it would appear that, at the time when the Mau was organized, the native population was not conscious of grievances sufficiently sincere or sufficiently strongly felt to support the theory that the Mau was a product of spontaneous generation. Yet, whatever the origins of the Mau might be, there is no doubt that, when once established, it was a most effective instrument of 'mass civil disobedience'. In the opinion of the Royal Commission, 'it' was 'clear that there was an organized refusal among the members of the Mau to obey the laws and regulations. There was an organized refusal to recognize the authority of the Faipules and *pulenu'us* and inspectors of plantations. Generally speaking, there was an organized refusal to destroy the rhinoceros-beetle, although in some districts the beetles were still being caught, but handed over to committees appointed by members of the Mau. There was an organized refusal to attend district councils and to send their children to the Government schools. There was a further organized refusal to attend the *malagas* [official progresses] of the Administrator and the Resident Commissioner: and to recognize the authority of native magistrates.'[6]

[1] See p. 377 above. [2] See p. 379 above. [3] See p. 380 above.

[4] The presentation of the mats itself was not the cause of the objections to the custom. In presenting these mats it was the practice of large travelling parties, often including practically a whole village, to journey for these presentations, to live on their hosts as long as the food lasted, and in the meantime of course to neglect their own plantations. Such a visit left their hosts practically impoverished, with the result that later the visit would be returned with similar consequences. The practice was not prohibited at any time, but an endeavour was made to regulate the number of members of the travelling party.

[5] Royal Commission's *Report*, pp. xxiii–xxiv; *Minutes* of the thirteenth session of the Permanent Mandates Commission, pp. 128–9.

[6] Royal Commission's *Report*, p. xxv.

It was also the opinion of the Royal Commission that the ultimate intention was 'to secure practically self-government for the Samoans.'[1]

On the 2nd June, 1927, the New Zealand Minister for External Affairs, Mr. Nosworthy, arrived at Apia, and after an interview which he granted to the Citizens' Committee on the 11th June, 1927, he telegraphed to the Prime Minister at Wellington that, in his considered judgement, it was necessary to take prompt and drastic action 'if the present attempt by the European members of' the 'committee to disaffect and disunite the Samoan people did not at once cease'. The Prime Minister replied that legislation was being amended so as to enable the Administrator of Western Samoa, if so directed by the Governor-General of New Zealand in Council, to order people in certain circumstances to leave the territory, and that the six European members of the Citizens' Committee were to be warned that this power would have to be exercised against them unless they and their associates abstained from their present course of action. This warning was conveyed by Mr. Nosworthy to Mr. Nelson in a letter dated the 13th June, 1927.[2] The Citizens' Committee replied by writing in submissive language to the Administrator on the 17th and 18th June to declare that they had 'requested the natives who had assembled at Apia to learn the Minister's decision, to return quietly to their homes and to respect the law', and that they had 'ceased from activities with regard to the native people' in accordance with Mr. Nosworthy's demand. On the 20th June Sir George Richardson replied that he was not satisfied of the truth of these assurances.[3] Meanwhile, on the 20th June, 1927, the power of deportation was taken by the Governor-General of New Zealand in Council through an amendment of the Samoa Immigration Consolidation Order of 1924;[4] and thereafter, on the 5th August, 1927, the power of deportation was conferred upon the Administrator, acting with the authorization of the Governor-General of New Zealand in Council, by a Samoa Amendment Act of the New Zealand Parliament.[5] Already, on the 24th June, in virtue of the Order in Council, Sir George Richardson had warned Mr. Nelson, who was

[1] *Op. cit.*, p. xxiv.

[2] Text in Royal Commission's *Report*, p. 444. See further *The Auckland Weekly News*, 14th July, 1927.

[3] Text of this and further correspondence in Royal Commission's *Report*, pp. 445–8.

[4] Text of the Order in Council of the 20th June, 1927, in the *Report of the Government of New Zealand* for the year ended the 31st March, 1928, p. 44.

[5] Text in *op. cit.*, p. 45.

about to sail from Apia for New Zealand, that he might suffer immediate deportation upon his return.[1]

Mr. Nelson sailed on the 1st July and arrived at Auckland on the 11th July, 1927. He brought with him a petition, prepared in March,[2] which purported to emanate from 'the chiefs and orators of Western Samoa who have been authorized to represent the large majority of the Samoan people owing to their increasing dissatisfaction with certain features of the New Zealand Administration in Samoa.'[3] This petition, which was addressed to the New Zealand Parliament, was referred to a joint committee of the two Houses and evidence was taken from Mr. Nelson.[4] Thereafter, on the 5th September, 1927, in response to a request from Sir George Richardson that the whole matter should be exhaustively inquired into in Samoa,[5] the New Zealand Government appointed a Royal Commission of two persons —Sir C. P. Skerrett, Chief Justice of New Zealand, and Mr. C. E. MacCormick, a Judge of the Native Land Court of New Zealand—to inquire into and report upon the following questions:

1. Whether, having regard to the duties undertaken by the Government of New Zealand under the . . . Mandate, there is just or reasonable cause for [the] complaints or objections [which had been submitted].
2. Whether the Administrator or the officials of the Administration have in any manner exceeded their duty in the exercise of the authority entrusted to them respectively, or have failed to exercise their respective functions honestly and justly.

[1] Text of Sir George Richardson's letter in Royal Commission's *Report*, p. 448. He addressed a similar warning on the same date to Mr. Smyth (text in *op. cit.*, *loc. cit.*, together with Mr. Smyth's reply).

[2] Mr. Nelson's tactics over this petition resembled his tactics over the meeting of the 15th October, 1926. Though the petition had been prepared in March, he had made no mention of it either to Sir George Richardson or to Mr. Nosworthy before he sailed on the 1st July (Royal Commission's *Report*, p. xxiii).

[3] Whether or not this petition fairly represented the desires of the native population of the Mandated Territory, it seems clear that the activities of the European section of the Citizens' Committee were disapproved of by a considerable portion of the European community. At about the time of Mr. Nelson's arrival in New Zealand, a cable, signed by 150 adult male European residents of Apia, protesting against what the Citizens' Committee were doing, was received by the Prime Minister of New Zealand, Mr. Coates. (Text of cable in *The Auckland Weekly News*, 14th July, 1927.)

[4] The Samoan affair became involved, to some extent, in the party politics of New Zealand; and this had an unfortunate effect upon the course of events in the mandated territory, since the criticisms of the opposition at Wellington provided Mr. Nelson with effective material for propaganda in Samoa. (On this point see the *Minutes* of the sixteenth session of the Permanent Mandates Commission, p. 112.)

[5] Statement by New Zealand Government on Political Agitation, in *Report* for the year ended the 31st March, 1928, p. 3.

3. Whether, having regard to the Samoan Native customs and to the due maintenance of government and order in the Mandated Territory, it would be prudent and safe to wholly repeal and abrogate all power to require a Samoan to remove for a definite period from one place on the islands to another.[1]

This Royal Commission reported on the 29th November, 1927, and exonerated the Administrator in the following terms:

> We think that it is a significant circumstance that with reference to the acts of the present and previous Administrator, both on the European and Native sides of their administrations, no act of malfeasance, misfeasance, or misconduct on their part, or on the part of their European officials, was charged by the complainants. At one time it was suggested that charges of this nature might possibly be made against the present Administration, but absolutely no evidence of such charges was tendered before us. Furthermore, except in respect of so-called orders of banishment, of orders for the deprivation of titles, and of orders requiring natives to return from Apia to their homes, made late in the year 1926, or in the year 1927 in connexion with the operations of the Mau organization . . . no allegation was made that the Administrator or any of his Head Office officials had acted in a high-handed or arbitrary manner. The absence of such allegations speaks highly for the spirit in which the Administration has in the past been conducted.[2]

In regard to the third question in their terms of reference, the Royal Commission reported as follows:

> At the inquiry there was no demand on the part of the Samoans that this power [of local banishment] should be repealed. As we have said, it is incorporated in the customs and usages of Samoans, and even in recent years it has been on many occasions exercised on their application . . . It is to be remembered . . . that, as a rule, the so-called banishments mean that a man goes from one part of his family to another part of his family in another village or district. The custom appears to have been evolved from the family and communal system under which the Natives live. It has undoubtedly its uses . . . in preserving order in villages and in preventing irritation likely to result in violence. Moreover, the power appears to us to be useful at times or places where there may be Native unrest and it may be desirable to isolate affected Natives and restrict the growth of disorder. We do not think that it is possible to rely wholly upon the ordinary criminal procedure . . . We are, therefore, of opinion that it is not prudent or safe to wholly repeal the power which we are considering; and further, that no demand exists for such a repeal. The power, of course, ought to be exercised with wisdom and caution.

The situation in Western Samoa also came under the considera-

[1] Royal Commission's *Report*, p. i.

[2] *Op. cit.*, p. vi. In consequence of the appointment of the Royal Commission, the Parliamentary Committee eventually reported, on the 3rd December, 1927, that it had no recommendations to make.

tion of the Permanent Mandates Commission of the League of Nations during their twelfth session (24th October–11th November); but, pending the publication of the report of the Royal Commission, they reserved judgement in making their own report to the Council of the League.

In the meantime, Mr. Nelson's activities in New Zealand were producing a powerful repercussion upon the course of political events in the mandated territory. It seems to have been widely believed among the adherents of the Mau that Mr. Nelson's mission to Wellington would result in the termination of the Mandate. This expectation was encouraged by wireless messages which were received from Mr. Nelson by the Citizens' Committee; and the large numbers of natives who had originally assembled at Apia at the time of Mr. Nosworthy's visit displayed an intention of remaining there until they learnt the results of Mr. Nelson's efforts. This situation led to a direct trial of strength between the Administrator and the Mau, in which the Administrator was worsted. As has been mentioned above,[1] one of the traditional sanctions at the Administrator's command for asserting his authority over the native population was his power of ordering local 'banishment'; and he now brought this power into operation on a larger scale than before. 'Some fifty-nine orders in all were made, affecting fifty individuals. Forty-two orders directed natives to return to their homes from Apia or to remain in their home village of Apia or its environs, and eight orders directed natives to remove to other villages than their own home villages. Some of these orders were to continue in force for a period of three months, and some for a period of twelve months. Of the total orders made some thirty-nine were disobeyed, and it was found advisable not to enforce them.'[2] In face of concerted passive resistance on the part of the Mau, the Administrator, having virtually no material force at his command,[3] was helpless. Moreover, the resistance had not remained passive altogether. On the day of Mr. Nelson's departure

[1] See p. 380.

[2] Royal Commission's *Report*, p. xl. In July 1927 orders were also made prohibiting the use by thirteen chiefs of their native titles. (*Op. cit., loc cit.*).

[3] For the strength of the police force at this time, see p. 379 above. By the 31st March, 1927, the strength of the police force had fallen from thirty-two to twenty-one (*Report of the Government of New Zealand* for the year ending 31st March, 1927, p. 25). On the 31st March, 1928, 'the strength of the police force was sixty-nine, comprising ten Europeans and fifty-nine Samoans. The European police include six special constables from New Zealand, seconded for service in Samoa owing to the existing anti-Government movement, and the Samoan police include thirty-one special native constables enrolled for a similar reason.' (*Report* for the year ending 31st March, 1928, p. 18.)

from Apia, some three or four hundred natives had appeared in uniforms made by the firm of Nelson and Company, as 'the Mau police', and had begun to picket shops in Apia.[1]

Accordingly, action was taken, under the new powers, against the ultimate authors of the trouble. On the 23rd December, 1927, it was officially announced at Wellington that the Administrator of Western Samoa had been authorized by the Governor-General of New Zealand in Council to require Mr. Nelson (who had returned to Apia) and Mr. Gurr to absent themselves from the mandated territory for five years and Mr. Smyth for two years. Mr. Nelson, accompanied by Mr. Smyth, sailed from Apia on the 13th January, 1928, for New Zealand.[2] Mr. Gurr was refused permission to land in American Samoa. Messrs. Westbrook, Williams, and Meredith were ordered to appear before the Administrator on the 30th December, and were required to meet the Apia committee of the Mau and to submit proposals to Sir George Richardson in writing, within a week, for inducing the Mau to disperse. This action did not have the desired effect; and, in a statement issued on the 23rd January, 1928,[3] the Prime Minister of New Zealand, Mr. Coates, frankly declared that

> Our administration of Samoa has for many months past been very largely ineffective. In Samoa to-day the native people are seriously disunited. A large section of them are in a state of passive resistance to constituted authority. So far as they are concerned, the King's writ is not running.

On the 6th February, 1928,[4] the Administrator called the Fono of Faipules together and asked them to reason with the leaders of the Mau; but a delegation of Faipules which called upon the committee of the Mau at Apia was rebuffed, and a subsequent letter from Sir George Richardson to the chiefs of the Mau, inviting them to come and talk with him, was of no more avail. Meanwhile 'the Mau police' were resorting to intimidation with impunity, although the Administrator had ordered the official police to arrest any natives who

[1] Statement by Sir George Richardson in the *Minutes* of the thirteenth session of the Permanent Mandates Commission, p. 134; statement by the New Zealand Government in their *Report* for the year ended 31st March, 1928, p. 3.

[2] In July 1928 a Judicial Committee of the Privy Council at Westminster dismissed a petition against the order of the 23rd December, 1927, which had been filed by Mr. Nelson.

[3] Text in *The Auckland Weekly News*, 26th January, 1928.

[4] The narrative here given of the events of February 1928 in the mandated territory is based on Sir George Richardson's statement to the Permanent Mandates Commission. (*Minutes* of the thirteenth session of the Permanent Mandates Commission, pp. 134–6.)

did resort to it; and in these circumstances two cruisers of the New Zealand Division were ordered to Samoa. The warships arrived on the 21st February, but the Commodore did not land marines until the Administrator had passed an ordinance declaring Apia to be a disturbed area; and when the Legislative Council was called together at six hours' notice for this purpose, the non-official members walked out of the room and the ordinance had to be passed without them. On the 22nd this ordinance was issued, together with a proclamation requiring the natives to cease wearing uniforms and cease boycotting shops. On the 23rd, two parties landed from the warship and arrested without bloodshed about 400 of the 'Mau police', who had been lining the shore in uniform, armed with sticks. The prisoners were promptly tried and sentenced to six months' imprisonment. The sequel was told by Sir George Richardson himself, four months afterwards, as follows:

> As it was not possible to keep all these people in gaol he had visited them after they had been sentenced to six months' imprisonment and held Fonos with them for two or three days, telling them of their foolishness, telling them the truth and explaining matters to them. The ringleader had made a most complimentary speech in reply and had said that they had now learned the truth, that the Administrator had shown them that he understood them, and that he had shown them the door to peace and prosperity. Sir George had thought that this might be effective and that perhaps if he said 'I will take your word' the trouble would be ended. After they had expressed regret—I knew that nearly all of them had agreed to do as I had asked them—they had said: 'The Governor is right, and we ought to accept what he says.' On the assumption that they would appreciate his leniency, he had then told them to go back to their homes and observe law and order.
>
> On the following day, the leading chief of this Mau party [Tamasese] had told him that they did not want to accept any of the things he had previously conceded to them—or had asked them to carry out, viz:
>
> To use the powers they had under the Native Regulations Order in Council and act constitutionally by deciding for themselves, through their own district councils, the questions of 'fine mat malagas', division of land, and other native matters.
>
> If they were displeased with any Faipule, the district council was to state its reasons and nominate another chief for the position.
>
> To end the 'Mau' and obey the laws; all parties again to work together for the welfare of their country.
>
> The chief stated that all they wanted was 'Samoa for the Samoans' and to govern the country themselves.
>
> It had been reliably reported to Sir George that the ringleader had openly stated to the Mau chiefs: 'If we accept the Administrator's advice, the Mau will end and Mr. Nelson will not be able to bring us the victory—therefore we must not be satisfied with anything less than self-government.

> What, therefore, had been the effect of his action in releasing these offenders? The boycott had been stopped; but the Committee remained in Apia receiving and circulating propaganda and said: 'We will carry on until Mr. Nelson comes back from the League of Nations with victory.'[1]

'It now became apparent to the New Zealand Government that it would be necessary for Major-General Sir George Richardson to appear in person before the Permanent Mandates Commission of the League of Nations to explain the position of affairs that had arisen; and, in view of the expiration of his extended term of office in March 1928, it was clear that a new Administrator of Western Samoa must be appointed. Sir George Richardson ceased to function as Administrator on the 31st March, 1928, and Colonel S. S. Allen, who was appointed by the New Zealand Government to succeed him, arrived in Apia on the 4th May.'[2] Sir George Richardson duly represented the New Zealand Government, as a colleague of Sir James Parr, at the thirteenth session of the Permanent Mandates Commission (12th–29th June, 1928). On this occasion the Commission felt that they had sufficient evidence before them to enable them to express a judgement on the events of the past two years for the information of the Council of the League; and they reported in the following terms:

> It is the considered opinion of the Commission that none of the charges of any importance against the Administration which have been made in the various petitions has been substantiated and that none contains any evidence of policy or action contrary to the Mandate.
>
> On the contrary, the local Administration seems to have made every effort to improve the conditions of life of the native population, notably in regard to public health and education, as well as in regard to agricultural production and commerce.
>
> The Commission cannot too strongly condemn the action of Mr. Nelson and those associated with him who seem to have been inspired less by a desire for the public welfare than by personal ambition and interests. By unworthy means they have worked upon the minds of an impressionable people, who, prior to their propaganda, showed no disquieting signs of discontent. The Commissioner is satisfied that the Administrator acted with great patience—if not perhaps always with

[1] Statement by Sir George Richardson in the *Minutes* of the thirteenth session of the Permanent Mandates Commission, p. 135.

[2] Statement by New Zealand Government in *Report* for the year ended the 31st March, 1928, p. 4. On the 22nd March, 1928, in announcing Sir George Richardson's appointment as one of the accredited representatives of the New Zealand Government at the forthcoming session of the Permanent Mandates Commission at Geneva, Mr. Coates stated that this was the only reason preventing his reappointment as Administrator of Western Samoa upon the expiry of his term of office on the 16th March, 1928.

> sufficient psychological insight—and showed a forbearance and confidence in the people which may have been misunderstood, and so to some extent may have undermined his authority. The lamentable absence of sufficient means to enforce the law which it was his duty to uphold placed him in an extremely difficult situation. This situation was made all the more delicate by the uncertain attitude of the Government. . . .
>
> In view of the statement that the unrest in Samoa will probably continue until the League of Nations comes to a decision, the Permanent Mandates Commission considers it of the greatest importance that it should be clearly understood that the Mandatory Power alone is responsible for maintaining law and order in accordance with the Mandate. . . .

Meanwhile, Colonel Allen was furnished with a larger supply of force than General Richardson had had at his command. On the departure of the warships, a force of marines had been left in the territory; and in April 1928 these were replaced by a force of 74 New Zealand military police. Thus supported, the Administration was able to take a firmer line—and this without catastrophe. Serious conflicts between the police and the population occurred on two occasions only during the first year of Colonel Allen's régime—'the first being in May 1928, when Leota, a prominent chief in the Mau, was arrested on a criminal charge by a party of Military and Civil Police, who were strongly resisted by some two hundred Samoans, the result being that numerous minor injuries were sustained by the rioters. The second occasion was the arrest (for non-payment of taxes) of Tamasese, another prominent chief, in November 1928, which was also effected without any serious casualty.'[1] There was a similar riot (again, happily, without any serious casualty) when a chief named Tagaloa was successfully arrested on the 15th June, 1929. The first deaths by violence resulting from the troubles occurred on the 28th December, 1929, at a parade of adherents of the Mau which was being held in honour of the return of Mr. Smyth, whose term of deportation had expired on the 22nd. On this occasion the crowd again resisted an attempt by the police to arrest persons against whom warrants had been issued, and this time one European constable and eleven adherents of the Mau lost their lives. Even so, the fact that the troubles had been on foot without fatal casualties for more than three years by that date, and that even now the fatal casualties were so few, distinguished these troubles in Western Samoa in a notable way from earlier troubles in other mandated territories—for example, South-West Africa and Syria and Palestine.

[1] *Report of the Government of New Zealand* for the year ended the 31st March, 1929, p. 3.

The events of the 28th December, 1929, led the authorities to take stronger action. Public notices, signed by the Administrator, were posted, proclaiming that natives not usually resident within certain designated areas were to return to their own homes by the 11th January, 1930. Fifty-eight natives, whose names were set out in the notices, were required to meet the Administrator on the 8th. Twenty others, charged or connected with various offences, whose arrest had been hindered by the Mau, were required to surrender by the 11th to the police at Apia. On the 8th, a cruiser of the New Zealand squadron sailed for Samoa. The order to leave the designated areas was obeyed—though those who obeyed it left these areas only to re-assemble elsewhere. The fifty-eight natives and the twenty who had been ordered respectively to meet the Administrator on the 8th and to surrender to the police on the 11th failed to obey. Thereupon, an Order in Council was passed in New Zealand enabling the Administrator of Western Samoa to proclaim the Mau, or any movement in its place, a seditious organization. On the 12th the cruiser from New Zealand arrived at Apia, and landing parties went ashore there next day; and on the same day, the 13th, the Administrator proclaimed the Mau in accordance with the new powers conferred upon him. This caused the leaders of the Mau to take to the bush, with the police and marines in pursuit of them[1]; but, although a certain number of arrests were made and a certain number of submissions sent in, the Mau did not break up; and towards the end of February the Administrator reverted to the former policy—for which the time seemed now more opportune—of seeking a direct understanding with the recalcitrants. He proclaimed that he and Mr. Cobbe, the New Zealand Minister of Defence, who had arrived in the territory, were prepared to meet the adherents of the Mau in conference at a specified place, on the understanding that those who attended the conference would enjoy a safe-conduct and that during the conference a general truce should be observed on both sides. This conference took place on the 3rd–7th March, 1930. The authorities put forward three proposals: that the Mau should dissolve; that the persons against whom warrants had been issued should be surrendered; and that, whenever necessary, leading representative chiefs should meet the Administrator in order to discuss with him all matters that concerned the welfare of the people. The natives attending the meeting made no opposition to the arrests and signified their readiness to return to their villages, but rejected the proposal for dissolving the Mau.

[1] In these operations two more fatal casualties occurred. One of these was entirely accidental.

This was the political situation in Western Samoa at the time of writing.[1]

It is evident that the trouble was neither easy to deal with nor negligible in respect of its effects upon the life of the community. In presenting to the League of Nations their annual report for the year ended the 31st March, 1928, the New Zealand Government observed that:

> The movement is now one of passive resistance and non-co-operation carried out to such an extent that the Administration is to an appreciable degree ineffective, and much of what the Government are confident is the excellent work performed to further the moral and material progress of the Samoans is in danger of destruction.

In the report for the following year, the new Administrator declared that he had made 'every effort to meet the leaders of the Mau and to discuss their grievances, but without success'; and that the same difficulty as before was being experienced in dealing with the movement of opposition.

> To effect arrests on any charge is rendered difficult by the offender either running away to the bush or being concealed by his friends; and though the criminal law has been fairly well enforced, there are still a number of offenders at large. The collection of taxes by civil process has been impossible to deal with in any large number, and more prominent individuals only have been singled out for attention.

Indeed, in May 1929, it was decided to abandon head taxes and replace them by an increase of fifty per cent. in the export duty on copra and by the reintroduction of a small direct charge for medical services.

Meanwhile, the non-co-operation movement produced untoward effects—from which the natives themselves were the principal

[1] During the sixteenth session of the Permanent Mandates Commission (6th–26th November, 1929), the situation was described by the accredited representative of the Mandatory Power, Sir James Parr, as follows:

'There is no active or direct hostility towards the Administrator, but there is no disposition to meet him to discuss the difficulties. Acting under advice, I think the 'Mau' has come to the conclusion that if it persists long enough in its non-co-operative attitude its must ultimately attain its ends. . .

'I suggest that the old influence is still at work. Mr. Nelson is now living in Auckland, the largest city of New Zealand and nearest to Samoa, and is still active. Recently, a Samoan Defence League was formed in Auckland, the principal figure in it being a rather well-known lawyer who is the lawyer for the 'Mau' and for Mr. Nelson, as well as for the Samoan Defence League. This Defence League is numerically small and I am advised that its influence in New Zealand is somewhat negligible, but there can be no doubt that it is in close touch with the 'Mau' chiefs, and there can be little question that Mr. Nelson is still active.'

sufferers—in almost every sphere in which the Administration of the Mandated Territory had been in fruitful contact with the people.

During the year ended the 31st March, 1928, 'the copra exports fell short of the figures for the preceding year by 600 tons and of anticipations for the current year by about 2000 tons'[1] . . . 'Many natives who had associated themselves with the European Committee in Apia not only declined to co-operate in any way with the Government or with native officials, but refused to allow their children to attend Government schools'[2] . . . In the domain of the Department of Agriculture 'the efforts of the inspectors—European and native—to induce the natives to obey the law regarding cleaning of plantations, searching for beetles, and new plantings' became 'almost entirely abortive' in the course of the year . . . 'Already many thousands of young palms and bananas' had 'been choked out with weeds' . . . 'The rhinoceros-beetle was increasing throughout both islands'.[3]

During the year ended the 31st March, 1929, the same melancholy state of affairs continued. It was 'not possible to carry out any medical *malagas* (official tours)'[4] . . . 'The activities of the Native Department' were 'greatly hampered and developmental work' was 'suspended'.[5] On the other hand there were now certain encouraging symptoms as well. For example, the native output of copra for the calendar year 1928 was 12,109 tons as compared with an output of 9,751 tons for the calender year 1927. Moreover, in the Department of Justice, 'the crippling of the authority of the High Court', which had been described officially as 'the outstanding feature of the year 1927–8',[6] was now reported as still existing, 'but to a very much less extent'.[7]

A year later again, in the spring of 1930, it seemed as though the tares which had been sown in the Mandated Territory of Western Samoa by Mr. Nelson and his associates three and a half years before were at last beginning to die out. It was an irony of fate that an unsuspected enemy in their midst should thus have temporarily diminished the prosperity of an innocent native population and obstructed the work of the most single-minded of all the Mandatory Powers.

[1] *Report of the Government of New Zealand* for the year ended the 31st March, 1928, p. 5.

[2] *Op. cit., loc. cit.* Fortunately there was a rapid reaction against this non-co-operation in the field of education. (See further *op. cit.*, p. 10.)

[3] *Op. cit.*, pp. 12–13.

[4] *Report of the Government of New Zealand* for the year ended the 31st March, 1929, p. 5.

[5] *Op. cit.*, p. 4.

[6] *Report of the Government of New Zealand* for that year, p. 12.

[7] *Report* for the year ended the 31st March, 1929, p. 8.

Note of certain circumstances that throw light on events in Western Samoa during the period under review.[1]

(1) Since its first impact with 'civilization' Samoa has played a part in international affairs quite disproportionate to its size, its population or its real importance. The Samoans have seen themselves and their little country the object of serious and lengthy discussion between Great Powers, and the result has been a not unnatural assumption on their part that the Samoan people and the Samoan islands are and must be considerable factors in world affairs.

(2) The history of Samoa, so far as we know it, has been a series of internecine quarrels, agitation and disturbances of varying severity. It is unnecessary to call attention to the difficulties experienced in pre-German days; the Germans had trouble from time to time and on occasion took drastic measures to deal with a serious situation; while New Zealand itself had a foretaste of the present difficulties in 1920.

(3) The Samoans have a constitutional leaning towards political intrigue, largely fostered no doubt by their form of family life and family dignities and the keen rivalry between numerous chiefs. It has been said that political discussion is the national pastime of the Samoans, who love nothing better than to gather in interminable fonos and to discuss in the minutest detail and at inordinate length any subject that is temporarily uppermost in their minds.

(4) The Samoan has no need to work for his living—his modest wants are supplied by Nature with the smallest assistance from the hand of Man. As a consequence his time is almost entirely at his disposal for lengthy meetings and debates; and, what is more important, there is no economic sanction to prevent his carrying on such a movement as the Mau indefinitely. Indeed he undoubtedly enjoys the intrigue and the accompanying sense of importance.

(5) The Samoan is at an early stage in the conflict between his traditional mode of life and Western civilization; and in consequence his intellect, not perhaps over-strong in respect of his own customary affairs, is not capable of appreciating in their proper perspective the objects or the methods of modern administration.

(6) Samoa contains an extraordinary number of chiefs or persons of importance in comparison with its total population. Roughly speaking, one out of every three adult males in the territory is a chief, and each chief pays a jealous regard to his personal dignity and that of his family in relation to the growing or fading authority of other and rival chiefs and families. As one result, any chief who is distinguished either by Government appointment or indeed by Samoan selection is in a short period the object of the jealousy of his former peers, with a resultant tendency to a rapid and general loss of confidence.

(7) Samoa contains a remarkably high proportion of half-castes to pure whites, and these half-castes are very largely concentrated at the same point as the pure Europeans, namely at Apia. In the circumstances some sense of antagonism to the pure European on the part of

[1] This note, which has been communicated to the writer of the *Survey*, bears the date 23rd June, 1930.

the half-caste (with his traditional 'inferiority complex') has been inevitable.

(8) At the outset of its administration the New Zealand Government took the step of placing the half-caste on all fours in every respect with the pure European. This may have been wise or unwise, but one result has been that where any antagonism, justifiable or otherwise, develops between the half-caste and the pure European, the half-caste is in a position to outnumber and outvote the pure white.

(9) The half-caste with his Samoan connexion and his intimate knowledge of the Samoan language and customs is in a more favourable position than the pure European to influence the sensitive native opinion, at all times easily confused by a question of any complexity.

(10) The climate and the isolation of the Territory have an undoubted effect upon the mentality of Europeans residing in Samoa for a lengthy period, while the paucity of inhabitants brings into full play all the 'small town' characteristics of gossip, jealousy and petty intrigue.

(11) From another point of view a real difficulty has been to find suitable officers for native administration. New Zealand has of course no trained reservoir of native administrators such as is at the disposal of Great Britain, and it is felt that the Samoan Service as a whole has been at times to some extent defective from the point of view of both the machinery of administration and of contact with the Samoans themselves. Attempts are being made to remedy this, but difficulty will still be experienced—at any rate in the immediate future—in finding suitable men for the Native Department with the necessary knowledge of the language and of the customs and traditions of the people. There are few experts on the Samoan, and among the few some belong to the 'beachcomber' class (who could not possibly be made use of by the Administration), while the remainder for the most part belong to the various missionary services. It is from the latter class that the principal officials in the Native Department have been selected in the past.

(12) Finally, among the imponderables—and one which, it is believed, has played a very large part in the situation—has been the personal antipathy of Mr. Nelson and his family for Sir George Richardson. This antipathy, due probably mainly to the growing ambition of a half-caste whose wealth (fabulous in the eyes of the Samoans), wide network of trading stations and employees, and intimate Samoan connexions gave him both the desire and the opportunity to measure his strength against that of the Administrator, is regarded by those best informed as perhaps the most important of the many contributing causes of the Mau movement.

PART IV

THE FAR EAST AND THE PACIFIC

C. THE INDO-CHINESE BORDER

(i) The Liquidation of Foreign Extra-Territorial Privileges in Siam.[1]

Siam, like most other civilized countries of the Far East, had been in contact with the civilized peoples of the West since the early years of the sixteenth century after Christ, and, in the course of the first four centuries of this contact, relations had taken similar forms in certain respects—in respect, for example, of the concession to Western residents of extra-territorial privileges. Both in this matter, however, and in others, Siam's experiences in her dealings with the West had been less unfortunate than those of her great neighbour China and had rather resembled those of Japan. In particular, the manner in which Siam gradually freed herself from the legal servitudes of extra-territoriality, during the first quarter of the twentieth century, by reforming her judicial system to the satisfaction of Western Governments and so inducing them, step by step, to renounce voluntarily the privileges which they had acquired, bore a very close resemblance indeed to the manner in which Japan achieved the same result a few years earlier. The success of Japan and Siam in carrying through this policy—a success which stood out in contrast to China's relative failure to hold her own in her relations with the Westerners—was due, first and foremost, to intellectual and moral qualities. It required a mental detachment capable of viewing the civilization of the West without prejudice and recognizing the points in which it had outstripped the civilization of the Far East; an industry capable of undertaking the laborious task of reform; and a patience capable of waiting to reap distant rewards. These qualities were displayed by the Siamese as well as by the Japanese; and indeed it may be said that Siam's success was due, even more distinctly than Japan's, to moral causes. Japan, after all, was a country of the same calibre as the Great Powers of the West and was in a position, when she chose to organize herself for war in the Western manner, to make reason prevail by the *ultima ratio* of force. Siam, on the other hand, was

[1] See, *passim*, Luang, Nathabanja: *Extra-Territoriality in Siam* (Bangkok, 1924, 'Bangkok Daily Mail' Press), and two articles by Mr. F. B. Sayre: 'Siam's Fight for Sovereignty' (*The Atlantic Monthly*, November 1927), and 'The Passing of Extra-territoriality in Siam' (*The American Journal of International Law*, January 1928).

a small country without the strength to bring any pressure to bear upon the Western Powers, and her success must therefore be attributed to reason alone.

In Siam, as in China and Japan, the Western Powers did not introduce the system of extra-territoriality (an importation from the Levant)[1] until they had been in contact with the country for more than three centuries. It is true that there were extra-territoriality clauses in the Siamese-Dutch treaty of the 22nd August, 1664, but they did not appear in subsequent treaties with Western Powers[2] until the Siamese-British treaty of the 18th April, 1855, which conferred upon the British Government and upon British subjects non-reciprocal extra-territorial privileges on the Levant and China model.[3] This Siamese-British treaty[4] opened the way for the conclusion of treaties,[5] on the same basis, between Siam and the following countries: the United States of America (29th May, 1856); France (15th August, 1856); Denmark (21st May, 1858);[6] Portugal (10th February, 1859); the Netherlands (17th December, 1860); Prussia (Germany) (7th February, 1862); Norway and Sweden (18th May, 1868); Belgium (29th August, 1868); Italy (3rd October, 1868); Austria-Hungary (17th May, 1869); Spain (13th February, 1870); Japan (25th February, 1898);[7] Russia (11th June, 1899).[8]

[1] See the *Survey for 1926*, p. 225.

[2] For example, the Siamese-British treaty of the 20th June, 1826, and the Siamese-American treaty of the 20th March, 1833, both expressly provided that the nationals of either party should be subject to the jurisdiction of the other party in the latter party's territory.

[3] This treaty also stipulated that the import duty on British goods should not exceed 3 per cent. *ad valorem*, and that export duties should be restricted in accordance with a definite schedule. Similar fiscal provisions were included in the treaties concluded with other Powers between 1856 and 1870. These later treaties also resembled the Siamese-British treaty in being subject to no time-limit and providing that modifications could only be effected with the consent of both parties.

[4] It may be noted that the Siamese-British treaty of 1855 resembled the Japanese-British treaty of 1858, and differed from the Sino-British treaties of 1842 and 1860, in being concluded in peace-time and not being imposed on one of the contracting parties as the consequence of defeat in a war.

[5] List in Nathabanja, *op. cit.*, p. 38.

[6] The Siamese, like the Persians, realized that it might be possible to secure the benefit of Western technique, without incurring the danger of Western 'Imperialism', by engaging the services of the nationals of small Western countries; and during the following period the Danes played in Siam a similar role to that of the Swedes and the Belgians in Persia.

[7] The Siamese-Japanese treaty of the 25th February, 1898, provided (Art.1) that the extra-territorial privileges conceded, under the treaty, in Siam to the Japanese Government and its nationals should terminate when the process of

For note [8] see next page.

Thus, by the close of the nineteenth century, Siam had been caught in the grip of the extra-territoriality system, and in Siam, as in other Far Eastern countries, the usual disadvantages of the system made themselves felt for all parties. The foreigners paid for their privileges by restrictions upon their freedom of travel, residence, and tenure of land. The Siamese suffered by the intrusion into their national life of foreign jurisdictions which made it difficult to carry on their national administration and even more difficult to improve it. The financial provisions of the treaties were also a hindrance to progress, since they prevented the Siamese Government from heightening their customs dues, and thus obtaining additional funds to meet the cost of developments. Moreover, in Siam, as elsewhere, the Treaty Powers abused their privileges by extending their protection, not only to their own Oriental subjects resident in the country, but to other resident aliens who had no equitable title to be covered by their flags. For Siam, one of the greatest hardships of the extra-territoriality system was the extension of such protection to the resident Chinese, who by origin were nationals of another Oriental country and who were settling in Siam in such numbers, and coming to play so important a part in her economic life, that their withdrawal from Siamese jurisdiction constituted a real menace to the authority of the Siamese state.

The first relaxation of these formidable foreign juridical controls was accorded to Siam by Great Britain, the Power which had taken the initiative in their original acquisition. Under Siamese-British treaties of the 14th January, 1874,[9] and the 3rd September, 1883, it was provided that, in certain Siamese provinces adjoining the British territory of Burma,[10] British subjects should come under the jurisdiction of a special court (to consist of 'proper persons' to be appointed by the King of Siam) which was to apply Siamese law. This relaxation was subject to the following conditions: the British consular authority

judicial reform in Siam was completed. This was an application of the principle embodied in the Anglo-Japanese treaty of the 27th August, 1894, which enabled Japan to free herself from extra-territoriality during the last years of the nineteenth century. This provision in the Siamese-Japanese treaty of 1898 may have inspired the similar provision in the Siamese-French treaty of the 23rd March, 1907 (Art. 5).

[8] (See p. 406.) By the Siamese-Russian declaration of 1899 either party granted to the other most-favoured-nation treatment with respect to jurisdiction, commerce, and navigation, but the arrangement was to be terminable by either party at any time on six months' notice.

[9] This treaty was concluded between Siam and the Government of India.

[10] The area in Siam to which this local arrangement applied was extended successively by exchanges of notes of the 31st December, 1884, and 10th January, 1885, and of the 29th September and 28th October, 1896.

was to have the right of being present at the proceedings and (when the British party to the case was the accused or defendant) of evoking the case to the British consular court at his discretion; and appeals were to lie with a mixed Siamese-British court at Bangkok. In execution of this treaty, the Siamese Government set up a special Siamese court of first instance—the so-called 'International Court' at Chiengmai—and this became the model for a transitional type of court which played an important part in similar arrangements subsequently made with other Treaty Powers.[1]

This Siamese-British treaty of 1883[2] was eventually followed by three other treaties on somewhat similar lines: a Siamese-French treaty of the 13th February, 1904; a Siamese-Danish treaty of the 24th March, 1905, and a Siamese-Italian treaty of the 8th April, 1905. The areas of Siamese territory to which these treaties respectively applied were of less extent than the area eventually agreed upon for the application of the Siamese-British treaty of 1883. On the other hand, all three treaties provided that appeals from the Siamese 'International Court' of first instance should lie with a Siamese Court of Appeal at Bangkok, applying Siamese law, this time without the participation of the consular authority. In cases arising in Siamese territory outside the areas of jurisdiction of the 'International Courts', the three treaties of 1904 and 1905 provided that, when the defendant was a person under Siamese jurisdiction, the proceedings should take place not, as formerly, in the ordinary Siamese courts, but in a special Siamese 'Court of Foreign Causes' sitting at Bangkok and consisting of Siamese judges who were acquainted with Western jurisprudence and with certain Western languages.[3]

Meanwhile, in 1892, the Siamese Government had created a Ministry of Justice and had started on the slow and difficult work of recasting

[1] The term 'International Court' was misleading, since the courts of this type were Siamese courts of first instance applying Siamese law in cases in which one or more of the parties was a foreigner who was a *ressortissant* of a Treaty Power.

[2] Another Siamese-British treaty was concluded on the 29th November, 1899, in which Great Britain agreed that the great-grandchildren of European-British subjects and the grandchildren of Asiatic-British subjects resident in Siam should not be entitled to extra-territorial rights. Provisions of a similar nature were included in the Siamese-French treaty of 1904, and in the Siamese-Danish and Siamese-Italian treaties of 1905, as well as in a treaty with the Netherlands signed on the 1st May, 1901.

[3] Cases arising outside the areas of jurisdiction of the 'International Courts' continued, under these three treaties, to be tried in the consular courts when the defendant was a person under the jurisdiction of one of the Treaty Powers concerned.

the law and the judicial organization of Siam on a Western model.[1] In this enterprise, Siam enlisted the services of French experts; and, in the field of foreign relations, she obtained her first reward in the Siamese-French treaty of the 23rd March, 1907.

This instrument placed under the jurisdiction of the ordinary Siamese courts, elsewhere than in the two Siamese provinces of Udorn and Isarn, all French-Asiatic subjects and protected persons who had not had their status registered at some French consulate in Siam before the date of signature of the treaty. In the two provinces above-mentioned all French-Asiatic subjects and protected persons whatsoever, and elsewhere all who had been already registered before the date of signature of the treaty, were placed under the jurisdiction of Siamese 'International Courts' of the kind set up by the Siamese-French treaty of 1904. Appeals from the Siamese 'International Courts' were to lie with the Bangkok Court of Appeal, whose judgements in these cases were to bear the signature of two European judges. Final appeals (which might arise on technical grounds) were to lie with the Supreme Court of Siam. When the French party to the case was the accused or defendant, the French consular authorities were to retain the right of evocation (to the consular courts) of cases on trial before the Siamese 'International Courts', according to the terms of the Siamese-French treaty of 1904. This right of evocation, however, was to lapse in respect of all matters covered by Siamese codes or laws regularly promulgated, as soon as these had been communicated to the French Legation and had been brought into force. Moreover, the jurisdiction of the Siamese 'International Courts' over French-Asiatic subjects and protected persons, as established under the present treaty, was to be transferred to the ordinary Siamese courts after the promulgation and putting into force of Siamese codes (to wit, a Penal Code, a Civil and Commercial Code, Codes of Procedure, and a Law of Judicial Organization.)[2]

While this Siamese-French treaty of 1907 provided for the eventual transfer to full Siamese jurisdiction of all French-Asiatic subjects and protected persons in Siam, it left French-European (and presumably also French-African) citizens, subjects, and protected persons in full enjoyment of the established extra-territorial régime. At the same time it stimulated the negotiation of a new

[1] The Penal Code was promulgated in 1908, but the Code Commission was still at work in 1927, and it was then anticipated that all the new codes would not be complete for another five years.

[2] The fiscal restrictions imposed by the treaty of 1856 were not relaxed by the new treaty. Moreover, in return for the concessions made by France, Siam agreed to cede further portions of her territory to France.

Siamese-British treaty which, on this latter point, went a long step further.

This Siamese-British treaty, signed on the 10th March, 1909, and the protocol annexed thereto, placed British subjects in Siam, who were not already registered before the date of signature of the treaty, under the jurisdiction of the ordinary Siamese courts; while British subjects already registered before that date were placed under the jurisdiction of the Siamese 'International Courts' established under the Siamese-British treaty of the 3rd September, 1883 (Art. 8), which were to function henceforth not in a limited area, but in all parts of Siamese territory. In all cases, whether in the ordinary Siamese courts or in the Siamese 'International Courts', in which a British subject was defendant or accused, a European legal adviser was to sit in the court of first instance. In cases in which a British-born or naturalized British subject not of Asiatic descent was a party, this European legal adviser in the court of first instance was to sit as a judge; and when such British subject was the defendant or accused, the opinion of the adviser was to prevail. Appeals against the decisions of the Siamese 'International Courts' were to lie with the Siamese Court of Appeal at Bangkok; and the judgement on appeal from either the Siamese 'International Courts' or the ordinary Siamese courts was to bear the signature of two European judges. On a question of law, there might be a final appeal to the Supreme Court of Siam. When the British party to the case was the accused or defendant, the British consular authorities were to retain the right of evocation (to the consular courts) of cases on trial before the Siamese 'International Courts', according to the terms of the Siamese-British treaty of 1883. This right of evocation, however, was to lapse in respect of all matters covered by Siamese codes or laws regularly promulgated, as soon as the texts of these had been communicated to the British Legation at Bangkok. Moreover, the jurisdiction of the Siamese 'International Courts' over British subjects, as established under the present treaty, was to be transferred to the ordinary Siamese courts after the promulgation and the coming into force of Siamese codes (scheduled as in the Siamese-French treaty of 1907).[1]

The Siamese-British treaty of 1909 became the model for a Siamese-Danish treaty which was signed on the 15th March, 1913. In 1916, the Imperial Russian Government entered into negotiations with the Siamese Government for the conclusion of a new Siamese-Russian

[1] The Siamese-British treaty of 1909 also resembled the Siamese-French treaty of 1907 in providing for territorial compensation by Siam and in maintaining the fiscal restrictions of the 1855 treaty.

treaty on the same lines, but these negotiations were cut short by the Russian Revolution of 1917.

The General War of 1914–18 enabled Siam to secure a notable improvement of her international status. Having intervened in the War, on the 22nd July, 1917, on the side of the Entente, she became a participant in the Peace Conference of Paris, a party to the Versailles Treaty, and an original member of the League of Nations. Moreover, in the Versailles Treaty (Art. 135) Germany recognized that all treaties, conventions, and agreements between her and Siam, and all rights, titles, and privileges derived therefrom, including all rights of extra-territorial jurisdiction, had terminated as from the 22nd July, 1917.[1] Corresponding renunciations in Siam's favour were made by Austria in the Treaty of St. Germain (Art. 110) and by Hungary in the Treaty of Trianon (Art. 94). Thus Siam was completely freed, at one stroke, from her juridical servitudes to three foreign nations; and in Siam, as in China, this 'slaying of the Lord's Anointed' dealt a mortal blow to the sacrosanctity of the extra-territoriality system.

The first of the Treaty Powers to perceive this fact and draw the full consequences was the United States.[2] In the protocol attached to a Siamese-American treaty signed on the 16th December, 1920,[3] it was laid down that:

> The system of jurisdiction heretofore established in Siam for citizens of the United States and the privileges, exemptions, and immunities now enjoyed by the citizens of the United States in Siam as a part of or appurtenant to said system shall absolutely cease and determine on the date of the exchange of ratifications of the above-mentioned treaty and thereafter all citizens of the United States and persons, corporations, companies, and associations entitled to its protection in Siam shall be subject to the jurisdiction of the Siamese Courts.

Appeals in cases in which American citizens or American juridical

[1] On the 28th February, 1924, a provisional economic agreement was concluded between Germany and Siam (text in *League of Nations Treaty Series*, vol. xxxii), and on the 7th April, 1928, a definitive treaty of friendship, commerce, and navigation was signed.

[2] According to Mr. F. B. Sayre (who was President Wilson's son-in-law) the treaty of the 16th December, 1920, was the fulfilment of a promise made by President Wilson during the Peace Conference of Paris to relinquish extra-territorial rights in Siam 'as an act of justice, freely and without price'.

[3] Ratifications were exchanged on the 1st September, 1921. The text will be found in the *United States Treaty Series*, No. 655; in *British and Foreign State Papers*, vol. cxiii; in *League of Nations Treaty Series*, vol. vi; and in the *American Journal of International Law*, vol. xvi, No. 1, Supplement (January 1922). The text of this treaty, together with those of all the other treaties concluded by Siam in the years 1924–6 (see below), is also printed in a volume entitled *Siam: Treaties with Foreign Powers, 1920–7* edited by Mr. F. B. Sayre and published by order of the Siamese Government in 1928.

persons were parties were to lie with the Siamese Court of Appeal at Bangkok, with a final appeal on questions of law to the Supreme Court of Siam. Until the promulgation and putting into force of all the Siamese codes (scheduled as in the Siamese-French treaty of 1907), and for a period of five years thereafter, but no longer, the American consular authorities were to retain the right (when the American party to the case was the accused or defendant) of evoking (to the consular courts) cases on trial before the Siamese courts. Any case so evoked was to be disposed of in the American consular courts in accordance with United States law, except that, as to all matters covered by codes or laws of the kingdom of Siam regularly promulgated and in force, the texts of which had been communicated to the United States Legation at Bangkok, the rights and liabilities of the parties were to be determined, even in the United States consular courts, by Siamese law. In return for this substantial renunciation of extra-territorial privileges, the United States secured for its nationals in Siam (and granted reciprocally to Siamese nationals in the United States) the liberty to enter, travel, and reside in any part of Siamese territory; to carry on business or philanthropic work; to own or lease buildings and to lease land; 'and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established' (treaty, Art 1). This treaty did not, indeed, permit an American national to own land in Siam or a Siamese national to own land in the United States.[1] In other respects, however, it invested the nationals of either contracting party, throughout the territories of the other party, with the franchises customarily accorded in commercial treaties when both parties were states members of the Western comity of nations and were treating with one another on a footing of reciprocity and equality, without any juridical privileges or servitudes on either side. In addition to the abolition of extra-territorial privileges, Siam gained the right eventually to impose tariff dues on American goods at a rate higher than the 3 per cent. stipulated for in earlier treaties; but this provision was not to come into force until the other Powers to whom the 3 per cent. provision applied had renounced their rights without compensation. The treaty was to be terminable at the end of ten years by either party on one year's notice, and it was expressly provided that its termination should not

[1] For the motives on the American side which inspired this prohibition, see the *Survey for 1924*, Part I B, Section (vi). The right to own real property in any part of Siamese territory had been enjoyed by British nationals since 1909 and by Danish nationals since 1913.

revive any of the earlier treaties which were to be abrogated upon its coming into force.

This Siamese-American treaty of 1920, like the Siamese-British treaties of 1874 and 1883 and the Siamese-French treaty of 1907, marked an epoch in the history of the liberation of Siam from the extra-territoriality system. With the precedent of the American treaty to point to, the Siamese Government opened a fresh series of negotiations with the other Powers which possessed extra-territorial rights. In the case of the European states these diplomatic negotiations made but slow progress, and the first Power to follow the example of the United States was Japan, who concluded a new treaty with Siam on the 10th March, 1924.[1] The Japanese Government, like the Government of the United States, agreed to the abolition of extra-territoriality subject to the reservation of the right of evocation to the consular courts until such time as the Siamese codes should have been in force for five years. In the treaty of 1898 Japan had agreed that extra-territorial rights should cease absolutely as soon as the Siamese codes were promulgated, and the conditions in the new treaty regarding evocation to the consular courts were therefore in the nature of a setback rather than an advance. Nevertheless, the new Japanese treaty was of value to Siam, for it strengthened the precedent created by the action of the United States and thus gave Siam additional confidence in dealing with the European Powers.

By the autumn of 1924, a treaty with France had taken shape,[2] but fresh complications arose, and the Siamese Government finally decided to send a mission to Europe to negotiate at first-hand with the Powers concerned. This mission, which was headed by the American Adviser on Foreign Affairs to the Siamese Government, Mr. F. B. Sayre,[3] visited Europe in the course of the year 1925 and succeeded in removing the difficulties which had proved insoluble by the method of correspondence.[4] A series of new treaties followed one another in rapid succession.

On the 14th February, 1925, the signature took place in Paris of

[1] Ratifications were exchanged on the 22nd December, 1924. The text is printed in *League of Nations Treaty Series*, vol. xxxi.

[2] For the Franco-Siamese negotiations and the treaties of 1925 and 1926 see A. Berjoan: *Le Siam et les Accords Franco-Siamois*. (Paris, 1927, Imprimerie les Presses Modernes.)

[3] Mr. Sayre had held this post since 1923. He continued to act as jurisconsult to the Siamese Government after his return to the United States at the end of 1925.

[4] For Mr. Sayre's own account of his mission, see his two articles cited in the footnote on p. 405 above.

a Siamese-French Treaty of Friendship, Commerce, and Navigation,[1] to which there were annexed two protocols:[2] one concerning the jurisdiction applicable to French *ressortissants* (citizens, subjects, and protected persons) in the Kingdom of Siam; and another concerning the special convention and supplementary arrangements for the purpose of regulating the relations between French Indo-China and Siam.[3]

The first protocol provided (Art. 1) for the liquidation of the extra-territorial privileges in Siam of French citizens (whose status had not been affected by the treaty of 1907) by placing them under the jurisdiction of the Siamese 'International Courts' until the date of entry into force of all the Siamese codes, and thereafter under the jurisdiction of the ordinary Siamese courts. The jurisdiction of the ordinary Siamese courts was to be extended (Art. 2), after the same date, over French-Asiatic subjects and protected persons who were amenable to the jurisdiction of the Siamese 'International Courts' under the Siamese-French treaty of 1907. In all cases assigned, under the present protocol, to the Siamese 'International Courts', the French consular authorities were to retain the right to be present at the trial and also, when the French *ressortissant* concerned was the defendant or accused, the right of evocation (Art. 4, Section 4). Cases thus evoked to the French consular courts were to be tried by French law; but, even in the consular courts, Siamese law was to be applicable in so far as the matters at issue might be covered by Siamese codes, laws, and regulations which had been regularly promulgated and put into force and duly communicated to the French Legation at Bangkok (Art. 5, Section 2).[4] The right of evocation was also to be retained by the French consular authorities in cases on trial before the ordinary Siamese courts, when the French party to the case was a French citizen, during a period of five years from the date of transfer of jurisdiction over French citizens to the ordinary Siamese courts from the Siamese 'International Courts' (Art. 1). This temporary right of evocation from the ordinary Siamese courts was not, however, to extend to any case in which the French party was a French Asiatic subject or protected person (Arts. 2 and 3).

[1] Ratifications were exchanged on the 12th January, 1926. The political provisions of this treaty are dealt with in Section (ii) below.

[2] Texts of all three documents in *League of Nations Treaty Series*, vol. xliii, and in *L'Europe Nouvelle*, 21st February, 1925.

[3] This second protocol of the 14th February, 1925, is dealt with in Section (ii) below.

[4] The Siamese Government undertook (Art. 8) to communicate to the French Legation all texts newly promulgated, and to do their best to take account of observations, in regard to such texts, which might be submitted to them by the Legation within a reasonable term.

The treaty to which the above protocol, just described, was an annex, invested the nationals of either contracting party with the franchises (including the right to own real property) which were customarily accorded in commercial treaties concluded, on an equal footing, between two states members of the Western comity of nations. In this treaty, France also (Art. 15) recognized, in principle, the autonomy of Siam in regard to customs and to fiscal matters; but, as in the treaty with the United States, it was stipulated that the new régime should not come into force until all the other Treaty Powers had come to similar agreements. On the pattern of the American treaty, also, the period of validity of the treaty was to be ten years in the first place; it was to be terminable by either party; and its abrogation was not to revive earlier treaties.[1]

The next treaty to be signed was that with the Netherlands,[2] on the 8th June, 1925—the terms being practically identical with those of the Siamese-American treaty of 1920. In the meantime, negotiations had been in progress with Great Britain, the Power whose attitude was perhaps of the greatest practical importance to Siam, in view of the preponderance of British interests in Siamese trade[3] and of the large numbers of British subjects who still possessed extra-territorial rights. On the 14th July, 1925, two Siamese-British treaties were signed:[4] one[5] for the revision of mutual treaty arrangements, whereto was annexed a protocol concerning jurisdiction applicable in the Kingdom of Siam to British subjects and others entitled to British protection; and the other[6] a treaty of commerce and navigation.

The protocol annexed to the first of these two Siamese-British treaties reproduced, *mutatis mutandis*, in its first article the text of the first article of the protocol annexed to the Siamese-American

[1] These provisions regarding the termination of the treaty were reproduced in the Siamese-British treaty and in all the other treaties concluded during 1925 and 1926 except that with Belgium (in which the period of validity was fixed at five years) and that with Spain (which provided that either party might denounce the treaty at any time on six months' notice).

[2] Ratifications were exchanged on the 24th August, 1926. The text is printed in *League of Nations Treaty Series*, vol. lvi. On the 27th October, 1928, a treaty of arbitration and conciliation between the Netherlands and Siam was signed.

[3] On an average the British share of Siam's export trade was about 80 per cent., and of her import trade about 70 per cent.

[4] Ratifications of both these treaties were exchanged on the 30th March, 1926.

[5] Text in British Parliamentary Paper *Cmd.* 2642 of 1926, and in *League of Nations Treaty Series*, vol. xlix.

[6] Text in British Parliamentary Paper *Cmd.* 2643 of 1926, and in *League of Nations Treaty Series, loc. cit.*

treaty of 1920, which has been quoted above. The remainder of the protocol was modelled closely upon the first of the two protocols attached to the Siamese-French treaty of the 14th February, 1925, the main provisions of which have been described above. The same Siamese-French treaty likewise served as a pattern for both the Siamese-British treaties of the 14th July, 1925, not only in matters of common form, but in regard to the conditions under which the British Government recognized the application to Siam of the principle of customs autonomy. In the treaty of commerce and navigation it was understood (Art. 32) that none of the stipulations by which Siam was granting most-favoured-nation treatment to Great Britain was to be interpreted as granting privileges arising solely by virtue of the existence of rights of exemption from Siamese jurisdiction—judicial, administrative, or fiscal—possessed by other countries. Finally, provision was made (Art. 33) for the settlement by arbitration of any disputes regarding the interpretation or application of the treaty of commerce and navigation—the Court of Arbitration, unless otherwise agreed in any particular case, to be the Permanent Court of International Justice at The Hague.[1]

Before the end of the year 1925 treaties on the same pattern as the new Siamese-French and Siamese-British treaties had also been concluded with Spain[2] (3rd August, 1925), Portugal[3] (14th August, 1925), Denmark[4] (1st September, 1925), and Sweden[5] (19th December, 1925); and in the course of the following year three more treaties followed, with Italy[6] (9th May, 1926), Belgium[7] (13th July, 1926), and Norway[8] (16th July, 1926).

On the 25th March, 1927, ratifications were exchanged of the last of the treaties concluded during 1925 and 1926, and therewith Siam regained complete fiscal[9] and juridical autonomy—with the sole

[1] A general arbitration convention between Siam and the United Kingdom was signed in London on the 25th November, 1925 (ratifications being exchanged on the 2nd February, 1927). This instrument was of the old-fashioned 'pre-war' pattern and only applied to differences which did 'not affect the vital interests, the independence, or the honour of the two contracting parties'. (Text in British Parliamentary Paper *Cmd.* 2813 of 1927, and in *League of Nations Treaty Series*, vol. lxiii.)

[2] Ratifications exchanged on the 28th July, 1926; text in *League of Nations Treaty Series*, vol. lv.

[3] Ratifications exchanged on the 31st July, 1926; text in *op. cit., loc. cit.*

[4] Ratifications exchanged on the 13th March, 1926; text in *op. cit.*, vol. xlvii.

[5] Ratifications exchanged on the 25th October, 1926; text in *op. cit.*, vol. lviii.

[6] Ratifications exchanged on the 18th March, 1927; text in *op. cit.*, vol. lxi.

[7] Ratifications exchanged on the 25th March, 1927; text in *op. cit.*, vol. lxii.

[8] Ratifications exchanged on the 9th February, 1927; text in *op. cit.*, vol. lx.

[9] Two days later a new customs tariff came into force, by which increases

reservation that the Powers retained certain rights of evocation for a period which was not exactly defined but which might be expected to terminate in about ten years' time.[1] That Siam should have recovered her freedom, by friendly agreement with the Treaty Powers, and as the reward of constructive reforms which she had been carrying out patiently but persistently over a period of more than a quarter of a century, was an international event of more than local importance. The fact that Siam, in working for the attainment of equality of status with the Powers of the West, had followed the lead of Japan (as guided by the 'Elder Statesmen') rather than that of China (as guided by the Kuomintang and their Russian Communist advisers) was a matter for congratulation, not only to Siam herself but to Mankind, whose hopes of peace at this time partly hung upon the question whether the inevitable readjustment of the relations between the West and the other civilized societies of the world was to be made by the rational method of co-operation or by the blind and devastating processes of strife and violence.

(ii) The Revision of the Régime along the Frontier between Siam and the French Possessions and Protectorates in Indo-China.[2]

Siam had had little to fear from her neighbours so long as these had consisted either of primitive tribes or of Oriental civilized states of the same species as Siam herself. Against Burma, Cambodia, and Annam, in the days of their independence, Siam had been able to hold her own without difficulty, while the Shans, Thais (poor relations, these, of the Siamese themselves), and other tribesmen who tenanted the northern hinterlands of the Siamese Kingdom served as a screen between Siam and China—an Oriental Great Power whose vague and intermittent pretensions to suzerainty seldom caused anxiety to Siamese statesmen. The international situation of Siam only became

were made in the duty payable on certain commodities. The increase of revenue which the Siamese Government derived from this source during the financial year 1927–8 enabled them to abolish inland transit duties and all export duties except that on rice, and also to provide for the revaluation of the currency reserve and to cover the estimated capital expenditure on railway and other developments.

[1] As has been mentioned above (p. 409) it was anticipated in 1927 that the completion of the new Siamese codes would take another five years, and the rights of evocation reserved under the treaties concluded between 1920 and 1926 were to be maintained for five years after all the new codes had been promulgated and put into force.

[2] See A. Berjoan: *Le Siam et les Accords Franco-Siamois* (thèse pour le doctorat en droit à l'Université de Paris: Paris, 1927, Imprimerie les Presses Modernes).

precarious when Western Powers began to extend their empires into the Indo-Chinese borderland. After Great Britain had annexed Lower Burma in 1852 and Upper Burma in 1886, and after France had established her dominion or protectorate over Cochin China, Tonking, Annam, and Cambodia between 1863 and 1884, Siam found herself the sole surviving independent Oriental state in that quarter of the world, with her land-frontiers entirely encircled by French and British territories or spheres of influence, which now marched with one another along a section of the River Mekong and thus drove in a wedge between Siam and Yunnan, the nearest province of China. Moreover, these sweeping territorial changes had not been brought about without serious friction between Siam and France—whose appetite to extend westwards her comparatively modest domain in Indo-China was stronger, towards the end of the nineteenth century, than any incentive which Great Britain could have at that time to extend still further eastwards the already unwieldy dimensions of her Indian Empire. In fact, the assertion of a French protectorate over Cambodia in 1863 had started a controversy over frontiers between France and Siam which France had eventually settled in her own favour, high handedly, by a show of force in 1893. The resulting treaty, signed on the 3rd October, 1893,[1] and the Siamese-French convention of the 13th February, 1904, had not only imposed upon Siam the acceptance of the frontier claimed by France, but had set up a frontier régime which did not give equal rights to the two parties. For example, the control of the River Mekong—in those two sectors where the river constituted the frontier—was not invested in the two riverains jointly or divided equally between them, but was monopolized, to the exclusion of Siam, by France. Indeed, during the last decade of the nineteenth century, there were moments when French expansion threatened to bring Siam under French ascendancy or even to extinguish her independence altogether; but this was averted, partly by the prudence of the Siamese themselves, but still more, perhaps, by the operation, as between Great Britain and France, of the Balance of Power—an international mechanism which worked to the advantage of small countries by perpetually holding the Great Powers in mutual check and periodically bringing them into disastrous collision with one another. Thanks to the balance between Great Britain and France in the Indo-Chinese borderland, the independence of Siam survived until the outbreak of the General War of 1914–18; and in that crisis the Siamese Government acted in a statesmanlike way. Though France was the traditional European

[1] Text in *State Papers*, 1894–5.

enemy of Siam, Great Britain, the ally of France, was Siam's traditional friend; and the Siamese Government, resisting any temptation which they may have felt to pay off old scores against France, took the decision to throw in their lot with the Entente.

The effect of this step in assisting Siam to get rid of the juridical servitudes of extra-territoriality has been recorded in the preceding section; but Siam derived a further benefit from her intervention in the General War, for the improvement which it brought about in Franco-Siamese relations enabled the Siamese Government to obtain the French Government's consent to a revision of the frontier régime between Siam and French Indo-China. In the Siamese-French treaty of the 14th February, 1925, and in a Siamese-French convention which was signed at Bangkok on the 25th August, 1926,[1] in pursuance of the treaty of 1925 (Art. 26) and of the second of the two protocols attached to it, the frontier régime was placed on a new footing of substantial equality, such as was customary along frontiers between two states members of the Western comity of nations.

The treaty of the 14th February, 1925, provided (Art. 27) for the maintenance of the frontiers established by previous agreements, and placed these frontiers under the protection of a reciprocal guarantee (Art. 2). The parties undertook (Art. 2) to reduce their armed forces in the zones adjoining the frontiers, on either side, to the police establishments necessary for the maintenance of public order. They further agreed (Art. 2) to submit justiciable disputes (without reservations on the score of honour and vital interests) to arbitration. Article 26 of the treaty of 1925 laid down that a special convention, with supplementary regulations, should be negotiated as quickly as possible in order to regulate the frontier relations between Siam and French Indo-China; and in the second of the two protocols annexed to the treaty there were enumerated certain questions which were to be dealt with in this convention in any event, without prejudice to the consideration of other questions as well.

In the Siamese-French convention which was duly signed on the 25th August, 1926, it was provided (Arts. 1 and 16) that the new arrangements should prevail so far as relations between Siam and French Indo-China were concerned, notwithstanding anything incompatible with these new arrangements that might be contained in the

[1] The texts of both these treaties will be found in *Siam: Treaties with Foreign Powers 1920–7*, edited by Mr. F. B. Sayre and published by order of the Siamese Government in 1928. The text of the treaty of 1925 will also be found in *League of Nations Treaty Series*, vol. xliii, and in *L'Europe Nouvelle*, 21st February, 1925; and that of the 1926 treaty in *L'Europe Nouvelle*, 5th March, 1927.

treaty of 1925 or in any previous agreements. Article 3 of the treaty of the 3rd October, 1893, and Article 6 of the convention of the 13th February, 1904, were declared abrogated (Art. 2).[1] The depth of the zones to be demilitarized (in accordance with Article 2 of the treaty of 1925) on either side of the frontier was fixed at twenty-five kilometres, and the two demilitarized zones were to be delimited (Art. 2). The Mekong frontier was to follow the *thalweg* of the river in those parts of its course where there were no islands (Art. 3, Section 1). In parts where the river was divided into two or more branches by islands which were separated from the Siamese bank at any moment of the year by a branch of running water, the frontier was to follow the *thalweg* of the branch nearest the Siamese bank (Art. 3, Section 2). Certain fluvial lands, however, were specifically recognized as belonging to Siam (Art. 3, Section 3). Both parties were to enjoy freedom of navigation on the Mekong from bank to bank, in those sections where it constituted the frontier (Art. 4),[2] and both parties were thenceforth to participate in the policing of the river (Art. 6). In order to provide for the practical application of the new frontier régime, it was agreed (Art. 10) that an arrangement should be negotiated as soon as possible between Siam and French Indo-China for the establishment and organization of a 'Franco-Siamese Permanent High Commission of the Mekong'. This commission was

[1] From first to last, the convention of the 25th August, 1926, abrogated Articles 2, 3, and 5 of the treaty of 1893 and Articles 6, 7 (paragraph one), 8 (last paragraph), and 9 of the convention of 1904; provided for the abrogation of Article 5 of the treaty of 1893, and contemplated the modification of Article 6 of the treaty of 1893 and Article 8 of the convention of 1904.

[2] Article 4 also provided that in future only Siamese or Indo-Chinese commercial navigation companies should be authorized to operate on those portions of the Mekong which formed the frontier between Siam and Indo-China. On the 17th July, 1927, the British representative at Bangkok presented a note to the Siamese Government in which he pointed out that, under Articles 20 and 24 of the Anglo-Siamese treaty of the 14th July, 1925, British companies were entitled to most-favoured-nation treatment in respect of trade and navigation in Siamese territory, and asked for a formal assurance 'that no obstacles will be placed by the Siamese Government in the way of any British companies, British subjects, or British vessels that may wish to operate on those portions of the River Mekong which lie within Siamese jurisdiction'. In their reply of the 7th February, 1928, the Siamese Government contested the British view that the most-favoured-nation clauses of the Anglo-Siamese agreement applied to the special arrangement with France, but they undertook, nevertheless, 'to place no obstacles in the way of British companies, subjects, or vessels desiring to operate on the portion of the Mekong which lies within Siamese jurisdiction that are not placed in the way of the companies, subjects, or vessels of the most-favoured-nation'. On the 18th August, 1928, the British Government accepted this assurance as satisfactory. (The text of this correspondence was published in the British Parliamentary Paper *Cmd.* 3262 of 1929.)

to be composed of French and Siamese officials in equal numbers (Art. 10). (In an exchange of notes,[1] of the same date as the convention itself, it was agreed that the presidency of the Commission should be held by a member of the French delegation for an indefinite time to come.)[2] In addition to its primary task of superintending the application of existing agreements, the Commission was to study problems arising out of the new régime and was empowered to initiate proposals—though such proposals were not to be adopted without the written approval of the two Governments acting in agreement.

The status of Siamese subjects in French Indo-China was to be settled definitively in an arrangement which was to be negotiated, as soon as possible, on the principle of reciprocity, that is, on the lines of the arrangement, embodied in the treaty of the 14th February, 1925, regarding the status of French Indo-Chinese *ressortissants* in Siam (Art. 11).[3] There was to be co-operation between the two parties in matters of police (Arts. 12 and 13) and in the development of means of communication (Art. 15). If and when this convention (which in the first instance was to run from the date of exchange of ratifications until the expiry of a period of ten years running from the date of exchange of ratifications of the treaty of the 14th February, 1925)[4] were to be denounced, such denunciation was not to have the effect of putting into force again any stipulations which had been abrogated either by the convention itself or by previous agreements (Art. 17).

The Franco-Siamese Permanent High Commission of the Mekong held its first session in January 1928, and its second session in February 1929. By the end of the second session, a number of resolutions and draft agreements had been drawn up, dealing with the delimitation and demilitarization of the frontier zone and with such questions as police organization, river works, and the status of the population on the banks and islands of the river. These resolutions and agreements were submitted for approval to the French and the Siamese Governments, and they appear to have been still under consideration at the end of the year 1929.

[1] Texts in *L'Europe Nouvelle, loc. cit.*

[2] Monsieur J. Bose, French *résident supérieur* in the Protectorate of Laos, was appointed to the Presidency of the Commission.

[3] In the same article, the parties agreed thenceforth to safeguard entirely the sovereign rights of the two Governments concerned as regarded the regulation of foreign immigration into their respective territories.

[4] Ratifications of the convention of the 25th August, 1926, were exchanged on the 29th June, 1927; ratifications of the treaty of the 14th February, 1925, were exchanged on the 12th January, 1926.

PART V

RELATIONS BETWEEN SOVEREIGN NATIONAL STATES AND THE PAPACY

(i) The Settlement of the Conflict between the Papacy and the Kingdom of Italy.

(*a*) Introductory.

1. *The Nature of the Settlement.*

At noon on the 11th February, 1929, in the Apostolic Palace of the Lateran in Rome, three diplomatic instruments—a political treaty, a financial convention, and a concordat—were signed by the Papal Secretary of State, Cardinal Gasparri, of the one part, and by the Head of the Italian Government, Signor Mussolini, of the other part; and on the 7th June of the same year these instruments were brought into force by exchange of ratifications between the two High Contracting Parties, the Pope and the King of Italy. Thereby, the previous state of conflict between the Papacy and the Kingdom of Italy was formally brought to an end; and it would hardly be an exaggeration to say that this settlement aroused a deeper emotion in the hearts and produced a greater consciously-felt effect upon the lives of a larger number of human beings than any international event since the Armistice of the 11th November, 1918. It closely affected every man, woman, and child in Italy, and in some measure it affected every member of the Roman Catholic Church throughout the world. Indeed, the great Catholic populations of the New World were perhaps more intimately affected on the whole by this event than they had been by the Armistice itself. The world-wide effect of the settlement was attested by the Pope in an address which he delivered, on the 9th March, 1929, to the Diplomatic Body accredited to his court by other sovereign Powers.

> There is a . . . guarantee [he declared] which continues, since the 11th February, to fill the countries of the world and the whole world itself; and this guarantee is the great and incomparable (perhaps unprecedented) plebiscite not only of Italy but of all parts of the world. In these words there is no exaggeration. We are receiving letters and telegrams not only from all the cities and villages of Italy, not only from all the cities and quantities of villages in all the countries of Europe, but also from the two Americas, the Indies, China, Japan, Australia, New Zealand, Africa (North, Central, and South), Alaska, the Mackenzie, the Hudson—just as though it were a question of some local

> event [in each country]. This is a really impressive fact, and a fact that authorizes us to say that not only the people—the whole people—of Italy but the peoples of the entire world are with us: a true plebiscite not merely national but world-wide.

The conflict which was settled by the Lateran Agreement of 1929 —an agreement which produced this profound effect upon the hearts and minds of so great a part of Mankind—had been generated by the idea of nationality, which had been put into circulation in the Western World by the American and French Revolutions and had taken strong hold upon the Italians—who, in the peace settlement of 1814–15, were partly re-subjected to foreign rule and partly re-divided among a number of petty native sovereigns, including both the King of Sardinia and the Pope in his capacity as the temporal ruler of the Papal State. In Italy, the work of the Congress of Vienna was undone by the Risorgimento in a prolonged struggle lasting from 1815 to 1870; and in this struggle the Holy See and the Kingdom of Sardinia (which eventually became incorporated into the Kingdom of Italy) took opposite sides. The House of Savoy had virtually no choice between putting itself at the head of the Italian national movement and losing the Sardinian crown. The Holy See was wedded to the temporal power, and the crisis of the Italian Risorgimento found no papal statesman with the courage and imagination to discard a political anachronism and to win for the Papacy a new moral position in Italy and in the world. The consequent conflict, in which the Kingdom of Sardinia-Italy and the Holy See emerged as the two protagonists, was twofold, as conflicts to which the Papacy was a party were apt to be. The political treaty (which was explicitly accepted, in the preamble, as a settlement of 'the Roman Question'), together with the financial convention, terminated a state of war between two sovereign independent states: the Papal State and the Kingdom of Italy. The concordat put an end to a dissension over ecclesiastical affairs between one sovereign state—again the Kingdom of Italy—and the Roman Catholic Church. The two elements in the conflict had been associated owing to the fact that the temporal sovereignty over the Papal State and the ecclesiastical supremacy over the Roman Catholic Church were both constitutionally vested in the person of the Pope; but neither the two constituent parts of the Italo-Papal conflict, nor the two instruments—treaty and concordat—in which they were disposed of simultaneously, were connected by any *a priori* necessity. In the history of Western Society, dissensions over ecclesiastical affairs between the Roman Catholic Church and this or that state had

frequently, indeed, most commonly, occurred without hostilities likewise occurring between the state in question and the Papal State; and there had been less frequent instances in which war between the Papal State and another state had occurred without being accompanied by any ecclesiastical breach. Indeed, in the conflict between the Papacy and the Kingdom of Italy, the respective beginnings of the ecclesiastical dissension and of the state of war were separated by a decade. The ecclesiastical dissension may be said to have begun with the enactment of the Siccardi Laws in the Kingdom of Sardinia in 1850. The state of war may be said to have begun in October 1859, when the Sardinian diplomatic agent at the Papal Court was given his papers, or else in 1860—either on the 22nd March, when King Victor Emmanuel II had signed a decree proclaiming the union with Sardinia of certain Italian territories including the former Papal Legations in Romagna (which had previously seceded from the Papal State), or else on the 11th September, when the Sardinian forces had crossed the Rubicon and had invaded those portions of the Papal State which at that moment were under the Pope's effective sovereignty. Though the ecclesiastical dissension and the state of war were eventually brought to an end simultaneously by the signature and exchange of ratifications of a treaty and a concordat in 1929, the question whether these two instruments were to be regarded as juridically independent of one another or as indissoluble parts of a single transaction was at issue between the contracting parties not only during the negotiations but after their successful consummation.

It will be seen that the conflict between the Papacy and the Kingdom of Italy which was settled in 1929 was of very long standing, indeed of longer standing than the Kingdom of Italy itself, which was formally established in 1861, and which thus inherited the conflict from its historical predecessor the Kingdom of Sardinia. The ecclesiastical dissension had lasted eighty years, the state of war seventy—periods which surpassed both the duration of the Tacna-Arica controversy between Chile and Peru (1883–1929) and the duration of the unregularized military occupation of Egypt by Great Britain which began in 1882 and had not yet been superseded at the time of writing.

The state of war between the Papal State and the Kingdom of Italy (as successor to the Kingdom of Sardinia) had been passive almost throughout. During the whole of those seventy years there had only been two brief bouts of military operations:[1] some three

[1] There had, however, been two other bouts of military operations between the Papal State and the Italian national movement under revolutionary leadership. The first of these had been in 1849, when Pope Pius IX had been

weeks in 1860 (11th–29th September) and ten days in 1870 (11th–20th September). Moreover, it was only in the first bout that serious fighting occurred, since the resistance offered to the Italian army by the Papal army in 1870 was hardly more than a matter of form.[1] Again, even formal hostilities had been terminated on the 20th September, 1870, when the Papal army had capitulated in order to be disbanded. Yet a state of war can exist when no blood is being shed and no hostilities are taking place. It existed under such conditions between France and Germany, for example, from January to September 1923, when the German Government were offering passive resistance to the French Government's military operations in the Ruhr; and it regularly exists, without bloodshed or hostilities or military or civil operations, from the date of signature of an armistice convention to the coming into force of a treaty of peace—for example, from the 11th November, 1918, to the 10th January, 1920, between Germany and the Allied and Associated Powers that ratified the Peace Treaty of Versailles.[2] The capitulation of the 20th September, 1870, which was transacted by the respective commanders of the two opposing armies and not by plenipotentiaries of the two belligerent sovereigns, was in the nature of an armistice; and the abnormal feature in this case was not that an interval elapsed between the signature of an armistice convention and the exchange of ratifications of a treaty of peace but that this interval occupied, not a few months, but more than half a century. Nevertheless, any one who, during this long interval, had occasion to visit the Vatican Museum and so to traverse the 'armistice-line' in the 'no-man's-land' across which an Italian infantryman with fixed bayonet perpetually confronted a Papal Swiss guard, accoutred in morion and breast-and-back plates, with his halberd at the ready, could not fail to be aware that the Pope and the King of Italy were not yet at peace.

2. *The Situation on the Eve of the Settlement.*

At this point it may be convenient to hazard a statement of the positions in which the Papacy and the Kingdom of Italy stood to

expelled from Rome and restored by a French army after the brief interlude of the Roman Republic. The defence of Rome in 1849 under the leadership of Garibaldi was one of the great deeds of the Italian Risorgimento. The second bout was the Garibaldian raid of 1867 which was repulsed by the French army of occupation at the Battle of Mentana.

[1] There were, however, a small number of fatal casualties on both sides on this occasion too.

[2] In this instance, the naval operations on the part of the Allied and Associated Powers which constituted the Blockade were continued, beyond the 11th November, 1918, until July 1919.

one another on the eve of the settlement of 1929—distinguishing between the positions *de facto* and *de jure* and the situations on the political and on the ecclesiastical plane.

On the political plane, *de facto*, the Papal territory that had remained continuously free from occupation by any authorities, military or civil, of the Kingdom of Italy consisted of three enclaves: the Apostolic Palaces of the Vatican and the Lateran in Rome and the Papal Villa of Castel Gandolfo on the Latin Hills, together with all the buildings, gardens, and lands annexed to them or dependent on them. At the Vatican, these annexes and dependencies included the Basilica (though not the Piazza) of St. Peter and the Palace of the Holy Office, as well as the Vatican Library, Museum, and Gardens; at the Lateran, they included the Basilica of St. John.

It is noteworthy that these enclaves were very much less than the territory which the Italian Government, on the eve of their invasion of the remnant of the Papal State, had intended (as they informed the Powers in a circular note of the 29th August, 1870)[1] to leave 'under the full jurisdiction and sovereignty of the Pontiff'. This territory was the Leonine City, which included not only the Vatican with its annexes and dependencies but also the Borgo and the greater part of the Trastevere, with a considerable frontage on the right (i.e. the west) bank of the Tiber.[2] On the 20th September, 1870, when the Papal army capitulated, the Italian army, which had attacked Rome from the north-east, still refrained from advancing across the Tiber. It did not cross the river till next day, and then only in response to an urgent summons from the Papal Secretary of State on account of violent disorders which had broken out among the population of the Leonine City in revolt against the Papal régime. It was in these circumstances and on that date, the 21st September, 1870, that the actual 'armistice-line' which continued to exist until the 7th June,

[1] Text cited by Signor Mussolini in his speech of the 13th May, 1929, in the Chamber of Deputies at Rome.

[2] The Leonine City had been founded by Pope Leo VI in A.D. 848–52, when he brought the Basilica of St. Peter inside the city-walls of Rome by building a new stretch of wall from the Castle of St. Angelo on the right bank of the Tiber to the Porta San Pancrazio on the ridge of the Janiculum, at the tip of the salient constituted by the relatively small bridge-head on this bank of the river that was included within the old enceinte, with which Rome had been surrounded by the Emperor Aurelian. The Leonine enceinte was modernized and enlarged by the Papal Government in the sixteenth century. The consequent boundaries of the Leonine City, as they stood in 1870, were the Castle of St. Angelo, the sixteenth-century fortifications from the Castle of St. Angelo to the Porta San Pancrazio, the northern arm of the old Aurelian wall from the Porta San Pancrazio to the right bank of the Tiber, and the river bank itself upstream from that point to the Castle of St. Angelo.

1929, was established round the Vatican enclave. Even thereafter, when all but a fragment of the Leonine City had thus come under Italian occupation at the invitation of the Papal authorities themselves, the inhabitants of the Leonine City were not invited by the Italian authorites to take part in the plebiscite in which the inhabitants of all other parts of the remnant of the Papal State were to vote for or against the union of their country with the Kingdom of Italy; but on the day appointed for the plebiscite (the 2nd October, 1870) the Trasteverini came unbidden to record their votes; the returning-officer did not turn them away; their suffrages were accepted, together with those of the other Romans, by King Victor Emmanuel; and therewith the whole city of Rome, on both sides of the Tiber, became incorporated in the Kingdom of Italy *de facto*, with the two territorially insignificant exceptions of the Vatican and Lateran enclaves.

On the other hand, the Pope retained *de facto* certain distinctive attributes of a sovereign independent ruler. Though his army had been disbanded by the articles of capitulation signed on the 20th September, 1870, he continued to possess other armed forces—the Swiss Guard and the Noble and Palatine Guards—which, at least in their military capacity, were under his exclusive authority.[1] Moreover, he continued to maintain a Secretary of State and to accredit diplomatic representatives to foreign Powers; nor did the foreign Powers which were represented diplomatically at the Papal Court withdraw their representatives in consequence of the events of September 1870.[2] Indeed, the number of Powers diplomatically represented at the Papal Court increased[3] until, on the eve of the Italo-

[1] The Swiss Guard, not being Italian citizens, were not under the Italian Government's authority in any way so long as they remained on the Papal side of the Vatican 'armistice-line'. The Noble and Palatine Guard were indirectly, and in their private capacity, amenable to the Italian Government's authority, inasmuch as they were Italian subjects normally resident in territory within the Italian Government's jurisdiction.

[2] Diplomatic relations between France and the Papal Court were suspended from 1904 to 1921; and this suspension was partly an incidental result of the state of war between the Papal Government and the Italian Government. (This state of war had led the Pope to impose a veto upon the payment of visits to the King of Italy at Rome by the heads of other Catholic states, and this veto had brought the Holy See into conflict with the President of the French Republic.) Of course the conflict which kept the breach open was the ecclesiastical dissension, in France itself, between the Roman Catholic Church and the *état laïque*, (see p. 479 below).

[3] In 1929 the Holy See maintained diplomatic relations with the following states: Austria, Bavaria, Belgium, Czechoslovakia, France, Germany, Hungary, Jugoslavia, Monaco, the Netherlands, Poland, Portugal, Rumania, Spain, and the United Kingdom, together with most of the American Republics,

Papal settlement of 1929, Italy herself was the one important Power that was conspicuous by its absence.[1] The paradox was heightened by the fact that these diplomatic missions to the Papal Court were all domiciled on territory over which, from September 1870 onwards, the Italian Government exercised jurisdiction, and that the customary diplomatic privileges and immunities continued to be accorded to their personnel and to their Legations under the Italian régime as they had been accorded when the territory in which the missions were domiciled had been under the jurisdiction of the sovereign to whom they were accredited.[2] Finally, the Pope retained the sovereign attribute of enjoying a revenue which was not subject to taxation or control by any other sovereign Power; for though he had lost the local revenue which he had formerly derived from the territories of the Papal State, he continued to receive—and this without interference from the Italian Government[3]—the voluntary gift of 'Peter's Pence' from Catholics all over the world.

On the political plane, *de jure*, the Pope had never recognized the Kingdom of Italy, with its crown vested in the House of Savoy, which had been proclaimed by the first Italian Parliament in 1861. *A fortiori*, he had not recognized the transfer of the capital of Italy to Rome, which had occurred *de facto* after the capitulation of the 20th

except the United States and Mexico. The relations with the United Kingdom and the Netherlands were imperfect; for while there was a Papal Inter-Nuntius at the Hague, there was not a Dutch Minister at the Vatican; and while there was a British Minister at the Vatican, there was not a Papal Nuntius in London. (On the other hand, between the Vatican and the Irish Free State, full diplomatic relations were established during 1929 by the accrediting of a Papal Nuntius to the Government at Dublin and of an Irish Minister to the Holy See.) It will be seen that, by this time, diplomatic representation at the Papal Court had been found convenient by several Powers which were neither exclusively nor even predominantly Catholic.

[1] The Papal Nuntius to the Court of Sardinia had been withdrawn in 1850, in consequence of the passage of the Siccardi Laws (see p. 424 above) at Turin. The Sardinian diplomatic agent at the Papal Court had been given his papers in October 1859. (Sardinia had continued, after this, to be represented at Rome by a consul.)

[2] That diplomatic missions accredited to one sovereign should be domiciled in territory under the jurisdiction of another sovereign was of course an anomalous state of affairs, of which this was one of the few instances recorded in history. Another instance was the residence of diplomatic missions accredited to the Government of Montenegro at Ragusa, in Austrian territory; but this had only been a makeshift, which was given up when Legations were built at Cettinje.

[3] The Italian Government did not, of course, ever attempt to assess 'Peter's Pence' for taxation. Yet they would have been entitled to do so if the Pope's status had been that of an Italian subject domiciled in Italian territory and drawing a private income from abroad.

September and the plebiscite of the 2nd October, 1870.[1] He had never renounced *de jure* his sovereignty over the Papal State with frontiers extending from the Tyrrhenian Sea to the Adriatic and from the Garigliano to the Po—a sovereignty which he had exercised *de facto*[2] as well as *de jure* down to the outbreak of war in 1859 between Austria and the Franco-Sardinian alliance. As Signor Mussolini described the situation (in his speeches on the 13th May, 1929, in the Chamber of Deputies at Rome and on the 25th in the Senate),

> From the times of Augustus one must come down to 1870 in order to find Rome the capital of Italy once again; but from 1870 to 1929 there was still a reservation, still a lien of a moral character. . . . And the person who was placing this reservation, this lien, upon Rome was not some duke or prince from among the dukes and princes whom we dispossessed when Italy was all to bits: he was the supreme head of the Catholic World; and those who were represented at his court counted on this reservation. And the reservation was placed not upon some distant, outlying, negligible territory, but upon Rome. There were Powers—it can be said openly—who took satisfaction in the fact that Italy still had a thorn sticking in her flank.

The theory of the political position *de jure* to which the Pope adhered unyieldingly until the settlement of 1929 had been vindicated by Papal statesmanship in certain practical ways. For example, down to the 23rd May, 1920, the Pope imposed (and imposed effectively) a veto upon the payment of visits by heads of Catholic states to the King of Italy at Rome. Again, on the eve of the Italian General Election of 1874 (the first to be held since the Italian occupation of the remnant of the Papal State in 1870 and the transfer of the capital of Italy to Rome in 1871), the Pope issued the decree *Non expedit*, declaring it inexpedient for Catholics who possessed the Italian franchise either to offer themselves as candidates or to record their votes at Italian elections.[3] This recommendation was converted into a prohibition on the 30th July, 1886; and the veto was maintained[4] until

[1] King Victor Emmanuel II had taken up his residence in Rome on the 2nd July, 1871, and had opened Parliament there on the 27th November of the same year.

[2] It should be noted that, since the Restoration of 1850, the *de facto* sovereignty of the Pope in the Papal State had largely been maintained by garrisons of foreign troops (Austrian troops in Romagna and French troops in the Patrimony of St. Peter) and had fallen in every province as soon as these foreign troops were withdrawn.

[3] In a speech delivered on the 13th October, 1874, Pope Pius IX declared that deputies ought not to take an oath of loyalty to the Kingdom of Italy since that would imply acceptance of the act of usurpation by which the Kingdom had taken possession of the Papal State.

[4] e.g. Pope Leo XIII drew attention to it in a letter published in 1895.

the rise of a Socialist Party in Italy moved the Pope to relax it gradually, from 1904 onwards, for fear that, under the new conditions, the non-co-operation of 'good Catholics' in the political life of Italy might simply open the way for a revolutionary party of the Left, representing a minority of the electors, to come into power. By 1909 the relaxation had proceeded far enough to permit the formation of a Catholic Group (about twenty deputies strong) in the Italian Parliament. Ten years later, on the 18th January, 1919, the Catholic *Partito Popolare* was founded, just as though the *Non expedit* were no longer in force. The *Non expedit* was formally revoked by a decree published on the 11th November, 1919, that is, on the eve of the General Election of the 16th of that month, when the *Partito Popolare* won ninety-nine seats. The rise of this Catholic party with a radical programme,[1] under the able and high-minded leadership of a Sicilian priest, Don Sturzo, was extraordinarily rapid; but this unexpected development was cut short by the equally unexpected eclipse and destruction[2] of this and all other constitutional parties by a minoritarian revolutionary party not of the Left but of the Right—the Fascist Party led by Signor Mussolini.

Meanwhile, the Kingdom of Italy, having secured *de facto* on the political plane everything that it wanted to secure at the Papacy's expense, was concerned, from the 20th September, 1870, onwards, to obtain the Papacy's recognition of the accomplished fact; and accordingly the Italian Government showed themselves comparatively conciliatory over juridical questions in the vain hope of inducing a similar temper on the other side. For example, on the question of the Pope's sovereignty, King Victor Emmanuel II, in receiving the members of the Commission which brought him the result of the plebiscite of the 2nd October, 1870, affirmed, in his declaration of acceptance, that, 'as King and Catholic', he remained 'firm in the intention of assuring the liberty of the Church and the independence of the Sovereign Pontiff'. Again, in the famous Italian Law of Guarantees of the 13th May, 1871, the first chapter, entitled 'Prerogatives of the Supreme Pontiff and of the Holy See', assured to the Pope juridically, so far as this could be done by a unilateral act of the Italian State, those attributes of sovereignty, mentioned above, of which the Italian Government had never sought to deprive him *de facto*: that is, the retention of certain enclaves of territory exempt

[1] The programme was more radical than the average position of the party, which included Catholics at all points in the political scale, from the reactionary clericals of Venetia and Rome to radicals who were almost socialists.

[2] The *coup de grâce* was given in November 1926.

from taxation, expropriation, or intrusion by the Italian authorities; the upkeep of certain armed forces; and the maintenance of diplomatic relations with the Powers (including the presence of foreign diplomatic missions, accredited to the Papal Court, on territory under Italian jurisdiction without forfeiture of diplomatic privileges and immunities). Besides this, the first chapter of the Law of Guarantees appropriated to the Holy See, in perpetuity, out of the revenues of the Italian State, a fixed annual payment equal to the aggregate of the amounts previously allocated in the Budget of the Papal State for the upkeep of the Apostolic Palaces, the Sacred College, the Ecclesiastical Congregations, the Secretaryship of State and the Diplomatic Service abroad. Over and above this, 'the person of the Supreme Pontiff' was declared to be 'sacred and inviolable'; offences against his person were to be punished exactly like offences against the person of the King of Italy; and the Italian Government were to render him 'sovereign honours' in the territory of the Italian Kingdom.

From the coming into force of this Italian Law of Guarantees until its abrogation—which was provided for in Article 26 of the treaty of the 11th February, 1929, and took effect upon the exchange of ratifications on the 7th June—the Papacy steadily declined to take cognizance of the Law, and this (so far as the political chapter was concerned) on two main grounds. In the first place, the Law of Guarantees, while implicitly though not explicitly recognizing the Pope as a sovereign, treated him—though this again, implicitly and not explicitly—as a sovereign whose sovereignty was not of a territorial nature. The crucial phrase was the statement in Article 5 that the Pope 'continues to enjoy' (*continua a godere*) the two Apostolic Palaces and the Villa—a phrase which would seem to exclude not only political sovereignty but even private freehold ownership.[1] The thesis that there is no kind of sovereignty which is not territorial sovereignty was held by the Papacy tenaciously (as will appear from the account of the negotiations, leading up to the settlement of 1929,

[1] It may be noted that Signor Mussolini interpreted the Law of Guarantees as tacitly recognizing the Pope's territorial sovereignty, notwithstanding this phrase. In his speech in the Chamber at Rome on the 13th May, 1929, he explained his view as follows:

'The Pope was no longer a subject; he was a sovereign. But—if I may use the terminology imported from America that is now in fashion—can we say that this sovereignty was "a hundred per cent."? No, it was not "a hundred per cent.": something was lacking, and this something lacking was territory. There is the typical phrase "continues to enjoy"; but in reality it was a tacit recognition of a territorial sovereignty; and so much so that, in the years which followed, there was never an act of the Italian State that claimed, even remotely, any kind of sovereignty within the circuit of the Vatican.'

which is given below). In the second place, the Papacy objected to the Law of Guarantees because of its juridical form as a unilateral act of one sovereign Power; and this second objection was bound up with the complaint that the recognition of the Pope's sovereignty was imperfect and unsatisfactory, since it was a maxim of Western international law that issues between two sovereign Powers could only be settled bilaterally.

The Papal protest against the political chapter of the Italian Law of Guarantees took two forms. The reigning Pope, Pius IX, and each of his successors from the moment of his election to the Papal throne, remained until his death a voluntary 'prisoner of the Vatican' and forebore to cross 'the armistice-line' into territory which he had never ceased to claim as lawfully his own, where 'sovereign honours' were awaiting him from a Government whose title he might be held to have recognized in the very act of accepting such honours from its hands.[1] Further, the Pope abstained from drawing the annual appropriation from the revenues of the Italian State which the Law of Guarantees had assigned to him.[2]

These were the respective positions of the Papacy and the Kingdom of Italy on the political plane, *de facto* and *de jure*, on the eve of the settlement of 1929. It remains to indicate what were the positions of the two parties on the ecclesiastical plane at the same moment.

In general, the ecclesiastical and political situations were the same. Just as there was no treaty regulating the political relations between the Kingdom of Italy and the Papal State, so there was no concordat regulating the relations between the Kingdom and the Roman Catholic Church. The powers of the Church in Italy had been circumscribed *de facto* by a series of laws of the Sardinian-Italian State which began with the Siccardi Laws of 1850 and was continued in the second chapter of the Law of Guarantees, entitled 'Relations of the State with the Church'. As unilateral acts of one of two parties concerned, these laws were not recognized by the Papacy, which

[1] It should be noted that the 'imprisonment' in the Vatican enclave, which the Pope imposed on himself, was not extended either to the members of the College of Cardinals or to the foreign diplomatic missions accredited to the Papal Court.

[2] Compare the policy of the Amir of Afghanistan in abstaining from drawing the annual subsidy which was placed to his credit by the British Indian Government in accordance with the treaty of 1879 until its forfeiture in 1919 in consequence of the Third Anglo-Afghan War. (See the *Survey for 1920–3*, p. 377.) The Pope did accept one instalment from the Italian Government; but that was before the expropriation of the Papal Palace on the Quirinal and the passage of the Law of Guarantees. (See Bolton King, *A History of Italian Unity*, vol. ii, p. 377.)

maintained that the ecclesiastical affairs of a Catholic state could only be settled by concordats.[1] It is not possible here to attempt a survey of this Italian legislation, which was voluminous and at the same time rather desultory and incoherent. It may be sufficient to mention certain salient points.

In virtue of Article 1 of the Sardinian Constitution of the 4th March, 1848, the Roman Catholic Faith was officially the sole religion of the Italian State; but this was a bare formula which, in the absence of any agreement between the State and the Church, depended for its interpretation upon the Government's policy; and from 1850 to 1929 this policy was a fluctuating compromise between Cavour's ideal of 'a free Church in a free State' and a habit—long ingrained in the traditions of the civil power in Catholic countries—of regarding the Church as too formidable a force to be left to its own devices.[2] Cavour had hoped to induce the Papacy to surrender the Temporal Power in exchange for ecclesiastical liberty from state interference in 'spiritual' affairs throughout the territories of an Italian United Kingdom; but his hopes had been disappointed[3]—partly by the intransigence of the Papacy, which refused to contemplate a surrender of the Temporal Power at any price, and partly owing to the inherent difficulty of drawing any sharp line, on ecclesiastical ground, between 'spiritual' and 'temporal' affairs. In consequence, the Sardinian-Italian legislation of 1850–73, while giving the Church greater freedom on the whole in 'spiritual' affairs than it had enjoyed under most of the concordats with the Italian states of the *ancien régime* which this legislation superseded, was far from giving that complete freedom which Cavour had regarded as the proper compensation for the losses

[1] It should be noted that the bilateral character of a concordat did not necessarily ensure that its terms would be satisfactory from the Papal standpoint. Powerful Catholic states had sometimes compelled the Pope to conclude concordats with them on terms which he found onerous. The Sardinian-Papal concordat, however, which the Sardinian Government overrode by unilateral action in 1850 after vain attempts to secure its revision by negotiation, happened to be one of an antiquated pattern which left the Church with privileges which she had long since abandoned in most other Catholic countries by that time. The refusal of the Pope to consent to its modification is explained partly by this fact and partly by the personal hostility of Pius IX to Sardinia on account of the role which she had just been playing in the events of 1848–9.

[2] In the United States, where the traditions of Government were not coloured by this habit of mind, the principle of 'a free Church in a free State'—or, rather, 'free Churches in free States'—was accepted without misgivings or reserves and worked in practice without serious difficulties.

[3] The negotiations conducted in 1860–1 on Cavour's behalf by Dr. Pantaleone with Dr. Passaglia came very near to success. Another serious attempt at a settlement was made in Crispi's time through Father Luigi Tosti and another shortly before Signor Mussolini came into power.

of Temporal Power and emoluments to which the Church was being forced by the State to submit.

The ecclesiastical legislation of the Sardinian-Italian State during the period in question[1] dealt with six principal subjects: the demarcation of the domain of 'spiritual' affairs, the appointment of prelates and parish priests, the legal status of religious corporations (religious orders), the administration and use of ecclesiastical property, religious instruction in state schools, and legal marriage.

In 'spiritual' affairs, the Law of Guarantees (Art. 17) provided that there should be no appeal to the State against the acts of the ecclesiastical authorities; but these acts might not be enforced by any form of coercion, their legal effects were made a question of civil law, and they were declared void if contrary to the laws of the State or to public order or if injurious to the rights of private individuals. Indeed, if they constituted a crime they were subject to the penal laws.

In the matter of appointments to bishoprics, the Law of Guarantees (Art. 15) surrendered in principle the right of the State to nominate incumbents; but in the same article it expressly retained the patronage of the Crown where this existed; and the Crown had inherited the patronage of all bishoprics in Piedmont, Sardinia, and Sicily, the majority of those in the former Duchy of Modena and Kingdom of Naples, and some of those in other parts of Italy.

Again, the Law of Guarantees (Art. 16) abolished in principle the royal *exsequatur* and *placet* and other forms of governmental assent which had formerly been requisite before the acts of the ecclesiastical authorities could take effect; but in the same article it retained these controls provisionally over ecclesiastical acts regarding the disposal of ecclesiastical property, pending the passage of a separate law (contemplated in Article 18) which was to reorganize the administration of ecclesiastical property and provide for the redistribution of the income. Since this contemplated legislation was never actually carried out, appointees to bishoprics and parishes found themselves in fact required still to obtain the royal *exsequatur* and *placet* before they could enter upon the enjoyment of their benefices; and this meant that in practice the State retained a veto over ecclesiastical appointments, even where the patronage did not belong to the Crown.

Moreover, the State, which had begun to take over ecclesiastical

[1] It should be noted that the general ecclesiastical legislation of the Italian Kingdom was not applied integrally in Rome and the so-called 'suburbicarian' districts. In this area, so far as it was not applied, the provisions of the preceding régime were left in force, though they now depended for their validity upon the will of the Italian State, acting unilaterally and not in concert with the Holy See.

property in the Kingdom of Sardinia in 1855, had completed the process throughout the Kingdom of Italy in 1866–7, and had thus acquired a potent means of bringing pressure to bear upon beneficed ecclesiastics at any moment if their actions gave the Government offence. It is true that parish benefices had been left untouched and that the stipends of parish priests had subsequently been augmented out of a general ecclesiastical fund derived from other ecclesiastical assets on which the Government had laid hands. On the other hand, monasteries and other ecclesiastical foundations which were condemned as being socially unproductive had been dissolved; and the ecclesiastical corporations which escaped dissolution—a category which included bishoprics and educational and charitable institutions—had been compelled to hand over their capital to the State, which had taken power to sell their real property and to pay the institutions 5 per cent. (afterwards reduced to $4\frac{1}{2}$ per cent.) per annum on 70 per cent. of the estimated capital value, subject to deductions from this income, on a graduated scale, for the benefit of the general ecclesiastical fund.[1]

Under a royal decree promulgated in 1888,[2] the provision of religious instruction in State schools was not obligatory upon the local education authorities unless the parents demanded it; and during the forty years since this rule had been established its effect had been to eliminate religious instruction from State schools in many parts of the Kingdom.[3] At the same time, the custom of hanging crucifixes in the schoolrooms in State schools had fallen into disuse.[4]

For legal marriage, the civil procedure of the Italian State had been made both indispensable and sufficient by the Italian Civil Code of 1865. The Roman Catholic sacrament of marriage and the marriage

[1] The State took power to retain 30 per cent. of the value of these capital assets as the quota allocated to educational and charitable services for which the State would become responsible. In the event the State appears to have obtained somewhat less than its 30 per cent. For the details of the settlement of 1866–7, which are of importance for an exact understanding of the relevant provisions in the concordat of 1929, see Bolton King and Thomas Okey: *Italy To-day* (London, 1909, Nisbet), pp. 258–66.

[2] This royal decree of 1888, which was not confirmed by any act of parliament, reversed the rule which had been established by the Sardinian education law of 1859, under which children were expected to attend classes, in school hours, for religious instruction unless their parents specifically claimed exemption for them. (*Op. cit.*, pp. 255–6.)

[3] This effect did not begin to make itself felt until 1895 and never became universal.

[4] For the controversy over this latter point in respect of foreign Roman Catholic schools in Turkey during the year 1924, see the *Survey for 1925*, vol. i, p. 79.

ceremonies of other religious communities which had adherents in Italy (e.g. the Jewish ceremony or the Waldensian) had thus been rendered optional and void of legal significance.[1]

From this brief and necessarily imperfect sketch of the respective positions of the Italian Kingdom and the Papacy on the ecclesiastical plane on the eve of the settlement of 1929, a further point of resemblance to the situation on the political plane emerges. On the ecclesiastical plane, likewise, the *impasse* arising from the absence of a bilateral agreement had been overcome provisionally by the establishment *de facto* of an 'armistice-line'—not, of course, in this case, a physical line of demarcation which could be plotted out on a map, like the line which divided the territory under Italian jurisdiction from the Vatican enclave, but a tacit understanding between the two Powers which was ultimately based upon a common recognition of a spiritual boundary within the souls of human beings.

This spiritual boundary is conspicuous in the field of marriage, when the substance as well as the form of the Italian civil marriage law of 1865 is taken into account. In form, the Italian Civil Law and the Canon Law were in irreconcilable opposition—the Italian Law annexing to its domain an institution which the Canon Law claimed as essentially its own. In substance, the Italian Civil Law reproduced the terms of the Canon Law with few serious deviations. For example, the Italian Civil Law followed the Canon Law in making no provision for divorce; and the half-hearted attempts to introduce divorce into it, which had been made from time to time, had always fallen through. The two main deviations were that under the Italian Civil Law the minimum legal ages for men and women were 18 and 15 years respectively, as against the Canonical 16 and 14, and that the Civil Law made the consent of at least one parent or guardian necessary for the legal marriage of a man up to the age of 25 and of a woman up to the age of 21, while under the Canon Law such consent was not required. It will be seen that both these deviations were in the direction of greater strictness and not (as might perhaps have been expected *a priori*) of greater laxity; and incidentally this explains why the Italian Government found it possible, in 1929, to reendow the Roman Catholic sacrament of marriage with legal effect—a concession to Papal desiderata which they could scarcely have contemplated if an increase and not a decrease of stringency had been involved.

At the same time, a comparative study of the Italian Civil Law and

[1] The State took the final step when it insisted that the civil ceremony must be performed before the religious sacrament was administered.

the Canon Law in the field of marriage yields results of wider import. It gives, in realistic terms, a measure of the hold which the Roman Catholic Faith had retained over the hearts and minds of the Italian people as a whole. On the superficial plane of politics, in which the human spirit is subject to rapid changes of feeling and opinion, the transfer of moral allegiance from the Sovereign Pontiff to the House of Savoy, as the embodiment of a United Italy, had been almost universal among the inhabitants of the former Papal State. Marriage, however, is an institution which touches deeper levels of the human soul than any political institutions can reach; and on these levels the process of change is slower in proportion to its greater spiritual import. For this reason, many Italians who had taken up arms to overthrow the temporal power of the Pope and were prepared to fight again at any time in order to prevent its restoration, were not prepared to throw off the yoke of the Canon Law. There were also many Italians who were lukewarm or nominal Catholics or even positive unbelievers who yet would have been shocked at any startling deviation in the Italian Civil Law of marriage from the Catholic tradition —and this not on any dogmatic grounds but from an irrational 'feeling in their bones' that, in a matter of such intimate personal concern as marriage, the custom of their forefathers was what their soul desired. The strength of this feeling in Italy from 1865 to 1929 is clearly indicated by the conservatism of the Italian Civil Law of marriage during those two generations; and here the Pope was on much stronger ground than when he instructed 'good Catholics' not to take part in Italian political elections. On the political plane, the geographical 'armistice-line' of the 21st September, 1870, had placed the Italian Kingdom in possession of the lion's share of the territory for which the Kingdom and the Papacy were contending; but on the ecclesiastical plane the relative positions of the two belligerents were very different. The history of the Italian marriage law was one indication among many that the spiritual 'armistice-line' that had been drawn in the souls of Italian men, women, and children between their conflicting allegiances to Church and State had left a substantial part of the Pope's spiritual empire intact.

3. *The Bases of Agreement between the Papacy and the Fascist Party.*

These were the respective positions of the Papacy and the Kingdom of Italy *de facto* and *de jure*, on the political and on the ecclesiastical plane, on the eve of the settlement of 1929. The two positions were so contradictory and the estrangement was so deep and of such long standing that a settlement had come to be regarded on both

sides as something far beyond the horizon of practical politics. Nor did it seem at first sight as if the prospects had been improved by that political revolution in the Kingdom of Italy which had brought the Fascist Party into power in 1922. For Fascism, while inheriting the devotion of its predecessor Liberalism to the ideal of the National State, was in conscious reaction against those principles of freedom and democracy which had restrained the Liberals from pushing their nationalism *à outrance*. Fascism demanded from the individual an allegiance to the State that was to be absolute and unquestioning, and it did not hesitate to stamp out political unbelief or heresy by force.

> Let every one bear in mind [Signor Mussolini exhorted the Chamber of Deputies in Rome in his speech of the 13th May, 1929] that when the Fascist Régime enters into a battle, it fights to a finish and leaves a desert behind. And let no one presume to deny the moral character of the Fascist State; for I should not have the face to speak from this tribune if I were not conscious of representing the moral and spiritual force of the State. What would the State amount to if it did not possess a spirit and a morality of its own—the morality which gives the force to its laws and which enables it to succeed in securing the obedience of its citizens? What would the State amount to? To nothing but a miserable affair which its citizens would be entitled to defy and disdain. The Fascist State asserts in plenitude its ethical character: it is Catholic but it is Fascist—Fascist exclusively and essentially, first and foremost. Catholicism completes it—we declare that openly—but let no one presume, under philosophical or metaphysical pretexts, to change the cards on the table.

In fact, Fascism had erected the National State into a kind of pagan political divinity—an Athene Polias or a Fortuna Praenestina —which was to be worshipped in the same spirit by 'good Fascists' as the Christian Godhead was to be worshipped by 'good Catholics' according to the teaching of the Roman Catholic Church. How could there be room simultaneously in a single soul for two such exacting cults?

The first answer to that question is that the very religious authoritarianism which threatened to bring the Fascist Party and the Papacy into violent collision, also brought the two forces on to common ground on which the foundations of an understanding could be laid. When two Powers with claims to absolute authority meet they sometimes settle accounts by force, but sometimes—if neither Power believes in its heart of hearts that it is capable of dealing the other Power a 'knock-out blow'—they agree to establish a balance and to treat with one another as peers. It was, indeed, the regular policy of the Holy See to deal with Governments of every complexion (not

excluding, on occasion, the Italian Government under the Liberal régime) so long as they had established themselves in power *de facto*.[1] Evidently, however, such dealings had more prospect of resulting in agreement if the two parties were creatures of the same clay, informed by the same spirit; and here it was precisely the common spirit of authoritarianism that enabled the Fascist Party and the Papacy to arrive at an understanding with one another when neither of them could or would have come to terms with Liberalism. On the ecclesiastical plane, for example, neither the Fascist Party nor the Papacy could compromise with the Liberal principle of 'a free Church in a free State', whereas they did achieve a compromise between themselves—not upon questions of principle, on which they did not disagree, but upon a realistic division of power over the lives and activities of the inhabitants of Italy. Again, on the political plane, neither of them could compromise with the democratic doctrine that communities ought to be governed by the will of majorities, ascertained by voting. The plebiscites of 1859 in the Romagna, 1860 in the Marches and Umbria, and 1870 in the Patrimony of St. Peter, which democratic theory regarded as the ultimate moral sanction for the merger of the Papal State into a United Italy, counted for nothing in the sight of the Papacy against the divine right of a supernatural institution;[2] just as, in the sight of the Fascist Party, ability to secure a working majority in Parliament by constitutional procedure under the democratic constitution of 1848 was a trivial consideration by comparison with the revolutionary right of an armed and organized faction. On the other hand, this revolutionary faction and this supernatural autocracy found it possible, without sacrifice of principle or loss of 'face', to come to a political agreement with one another.

In this connexion, the Pope took care to underline his claim to the possession of absolute autocratic power:

> We have spoken of doubts and criticisms [he said in his discourse to the parish priests of Rome on the 11th February, 1929, when the Lateran

[1] The classic modern instance of this policy was Pope Leo XIII's letter of the 3rd May, 1892, to the bishops of France, recommending a 'ralliement' of French Catholics to the Republic, on the ground that 'an established power should be accepted as it stands'. (See section (ii) of this part of the present volume.)

[2] It may be noted that in this matter democratic theory was at variance not only with the attitude of the Papacy but with the doctrine of International Law as deducible from decisions in specific cases (e.g. the decision concerning the Aland Islands. (See the *Survey for 1920–3*, part iii, section (ii) 2 (*c*)). The Holy See's ground, in its refusal to recognize the validity of the plebiscites of 1859, 1860, and 1870, was the stronger inasmuch as, in these instances, neither the freedom of the vote nor the accuracy of the returns was beyond cavil.

agreements were in process of being signed] and We hasten to add that, as far as We are concerned personally, these doubts and criticisms leave Us and will always leave Us entirely undisturbed, although, to tell the truth, they refer principally, not to say solely, to Us, because the principal, not to say the sole and total responsibility—a truly grave and formidable responsibility—for what has happened, and for what may happen in consequence, is Ours . . .

Everybody in all parts of the world had already declared and repeated that, at bottom, there could be no arbiter of the affairs of the Holy See and the Church except the Pontiff and that therefore the Pontiff has no need either of assent or of consent or of guarantees.

This common spirit of authoritarianism, which brought the Papacy and the Fascist Party together, was reinforced by the practical bond of common opposition to the same enemies—a bond which History shows to be the strongest that can ever be forged between Sovereign Independent Powers. Common opposition to the rising Socialist Party had mitigated the rigour of hostilities between the Papacy and the Italian State as far back as 1904 and had led to the complete revocation of the *Non expedit* in 1919, after the close of the General War; and this had been under the Liberal régime, which had been less bitterly hostile to Socialism than Fascism—the foundling child of Socialism—could afford to be. Fascism shared with the Papacy two other quarrels which were still nearer to the Papacy's heart: the quarrel with Liberalism itself and the quarrel with Free-Masonry (a sect which, in Catholic countries, stood specifically for anti-clericalism). A Pope would have been superhumanly magnanimous if he had not felt a certain *Schadenfreude* in seeing Liberalism—the force which had trampled the Papacy under foot and held it up to contumely as the fallen stronghold of tyranny and obscurantism—now suffering the self-same injuries and insults at the hands of Fascism.[1] And a Duce would have been less than humanly shrewd if it had not occurred to him that the Papacy might be a puissant ally in the task of holding Liberalism down. As for Free-Masonry, it sinned, in virtue of its existence, against the commandment which came first in the Fascist as well as the Mosaic Table of the Law—'Thou shalt have none other Gods but Me'[2]—and in 1925

[1] 'Perhaps just what We wanted was a man like the man whom Providence has granted Us to meet—a man who was free from the preoccupations of the Liberal school, for whom all those laws and all those ordinances, or rather disordinances, were so many fetishes and, like fetishes, all the more sacrosanct and venerable for being brutish and deformed.' (The Pope's address of the 11th February, 1929, to the parish priests of Rome.)

[2] There were also certain positive objections to Italian Free-Masonry which were felt by the Fascist Party and the Catholic Church in common with large sections of the Italian public of all parties and classes. In the Italian public

Signor Mussolini did throughout Italy what no Pope had been strong enough to accomplish in the Papal State since Free-Masonry had been heard of: he dissolved the lodges and struck the movement down.

This common opposition to Socialism, Liberalism, and Free-Masonry would be sufficient to account for a *rapprochement* between the Papacy and the Fascist State; but there is a fourth opponent which may perhaps, without undue cynicism, be added to the list: the *Partito Popolare*. Don Sturzo was the natural enemy of Signor Mussolini because he was the leader of the only Italian political party that possessed the organization and the conviction and the vitality to hold its own against Fascism in a political contest where the scales were not weighted by resort to force. There are also indications that Don Sturzo was not altogether *persona grata* to the Holy See. The foundation of the *Partito Popolare* before the final and formal withdrawal of the *Non expedit* had given occasion for a certain division of opinion in Italian ecclesiastical circles; and the current of disapproval in high quarters had found vent in a public letter from the Archbishop of Genoa in 1920 and in another from Cardinal Billot in 1922. The *Partito Popolare* sought to parry these unofficial attacks by proclaiming itself 'non-confessional' like the other Italian political parties of the day; and from beginning to end no formal action either for or against the Party was ever taken by the ecclesiastical authorities. After the Italian elections in the spring of 1924, the Pope publicly and severely condemned the acts of violence which had been committed by Fascisti against Catholic priests and laymen and Catholic institutions, and he provided a fund of 500,000 lire for repairing the damage and indemnifying the victims. Yet there proved to be more significance in an address which he delivered to Catholic university students on the 8th September of the same year. On this occasion, he roundly condemned the idea of a political entente between the *Partito Popolare* and the Socialists; and he dealt with the thesis that 'the Holy Father ought to disinterest himself in politics and leave them to the rank and file of his flock' in the following terms:

> When politics impinge on the altar, then Religion and the Church, and the Pope who represents them, have not only the right but also the duty

services, Free-Masonry appears to have been responsible for a considerable amount of corruption and indiscipline. Signor Mussolini's campaign against Free-Masonry was not, of course, carried out in concert with the Catholic Church. He had launched his first attack on Free-Masonry as far back as 1912, at a Socialist congress at Ancona. It may be added that the war which he waged against the Free-Masons after he came into power in 1922 was not carried to the length of extermination. It was even alleged that he had an understanding, which was never broken, with certain Masons and Masonic organizations.

> to give cues and leads, and Catholic souls have the right to ask for these and the duty to follow them. Thus, a line of policy of the first magnitude was laid down by the Divine Master when he said: 'Date Caesari quae sunt Caesaris, date Deo quae sunt Dei,' and the gravest political questions were also broached by the Apostles when they taught: 'Omnis potestas a Deo'.

This pronouncement was more ominous for Don Sturzo the priest than it was for Signor Mussolini the dictator; for the Pope was giving a lead to the workers in the *Azione Cattolica Italiana*—an organization, directly depending on the Holy See, with a sphere of operations which was entirely religious and non-political—and his lead was that they should dissociate themselves from the *Partito Popolare* (and from all other political parties in the anti-Fascist camp), for fear that the *Azione Cattolica* might be involved in the war of wholesale extermination with which the political opponents of Fascism were now threatened. In August 1926, while their doom was still impending, the negotiations began[1] which were eventually to result in the Italo-Papal settlement of 1929; and these negotiations were well under way by November 1926, when Signor Mussolini delivered the *coup de grâce*. Thus when, in that month, the *Partito Popolare* fell in the common fall of all the non-Fascist parties that had seceded from the Chamber to the Aventine in protest against the murder of Matteotti, those who were looking for a sign from the Vatican looked in vain. On the contrary, it may be conjectured that Don Sturzo's career was in Pope Pius XI's mind when he took occasion, in Article 43 of the concordat of the 11th February, 1929, 'to renew to all ecclesiastics and members of religious orders in Italy the veto upon their enrolling themselves in the ranks or participating in the operations of any political party whatsoever.'

4. *The Objectives with which the Papacy and the Fascist Party entered into Negotiations.*

After indicating the common ground on which the two parties to the settlement of 1929 found themselves able to meet, it may be convenient, before setting out the history of the negotiations, to review the objectives which the parties had in mind when they decided to negotiate.

Signor Mussolini's immediate objective—suggested by his personal temperament and by his political predicament alike—was to add a fresh and particularly sensational entry to the register of his practical achievements.

[1] See p. 460, below.

> I thought and think [he declared, in describing to the Italian Chamber the tremendous sense of responsibility with which he had embarked upon the negotiations] that a revolution is a revolution only in so far as it faces and solves a nation's historic problems . . . the [Fascist] Revolution had to face this problem under pain of proclaiming its impotence.

By a singular coincidence the Papacy—which of all human institutions could best afford to do just what a revolutionary dictatorship could least afford, namely, to rest on its oars and live on its past while Time did its work—happened in 1926 to be occupied by Achille Ratti, a man who had the same temperamental appetite for practical achievement as Benito Mussolini himself. In an address delivered on the 14th February, 1929, to members of the Catholic University of Milan, Pius XI whimsically declared that at moments during the negotiations he had been tempted to think that the solution of the problem demanded precisely a Pope who was an alpinist and had been trained to face the most arduous ascents, whilst at other moments he thought that perhaps what was really wanted was a Pope who was a librarian—a Pope who had been trained to get to the bottom of things in historical and documentary researches. This appetite for achievement which was characteristic of the two protagonists was undoubtedly a psychological factor of the utmost importance in bringing the negotiations about.

In choosing the Italo-Papal conflict as the next occasion for proving his metal, Signor Mussolini's specific political objectives were probably the following. He wanted to rule out for ever the possibility of third parties intervening in 'the Roman Question' (an objective which might be attained by a comprehensive and definitive settlement of 'the Roman Question' through a bilateral agreement between Italy and the Papacy).[1] He wanted to insure the Fascist

[1] The ground had already been prepared for this by a statesmanlike declaration of policy which had been made, through the Cardinal Secretary of State, Cardinal Gasparri, by Pope Pius XI's immediate predecessor Benedict XV, on the 27th June, 1915: 'The Holy Father awaits the appropriate solution of the situation [i.e. 'the Roman Question'] not through the arms of strangers but through that sentiment of justice which he trusts will become more and more diffused among the Italian people, in conformity with their own true interests.' This declaration—made, after Italy's intervention in the General War, at a moment when the Great Russian Retreat made it look as if she had intervened on the losing side—had been particularly welcome to the Italian Government of the day, which, before intervening in the War, had caused to be written into the London Treaty of the 26th April, 1915, a stipulation to the effect that the Holy See should be excluded from participation in the Peace Settlement. Benedict XV's declaration was statesmanlike because it was calculated to gain him Italian goodwill without giving any substantial Papal interest away. For what, after all, could the Papacy hope to gain by standing out for the principle that 'the Roman Question' was a matter of multilateral

régime against the risk of a Liberal counter-revolution by giving the Papacy and the Catholic Church a stake in its fortunes (an objective which might be attained if the Papacy were to obtain from a Fascist Italy certain long-sought desiderata which a Liberal Italy had always refused to fulfil). Thirdly, Signor Mussolini—looking beyond the bounds of the Vatican and the boundaries of Italy to the wider field of Franco-Italian rivalry in the Western Mediterranean and in South-Eastern Europe—doubtless wanted to forestall any attempt which France might make to reoccupy her traditional position as protectress of the Roman Catholic Church *in partibus infidelium* (an attempt which might seem to be foreshadowed in the renewal of diplomatic relations in 1921 between the Vatican and a France whose anti-clerical vein had been tempered by the *union sacrée* during the General War of 1914–18 and even more by the access of conservatism which too great a victory, bought at too great a price, had automatically brought in its train).[1]

On the other side, the specific political objectives of Pope Pius XI are clear. Primarily, he wanted a concordat with Italy in order that his enemies should not longer have occasion to blaspheme over his being at loggerheads with the Government of one of the principal Catholic countries of the world and this a country which happened to lie at his doors. Secondarily he wanted to obtain a formal recognition of his territorial sovereignty from the Government of the country which, as the sole *état limitrophe* of the Vatican enclave, was the state whose recognition would be of capital importance.[2] The Pope

concern when the Powers had conclusively proved themselves to be broken reeds? Not only had the three principal Powers of the Entente group just agreed that the Pope should be excluded from participation in the Peace Settlement after the General War (a stipulation of which the Vatican may be presumed to have been aware long before the secret treaty of the 26th April, 1915, was published by the Russian Communists from the copy in the Imperial Russian Archives). Worse still, the Powers in general (including those with which Italy was now at war) had failed to preserve the Papal State from its successive dismemberments at Italian hands in 1859 and 1860 and 1870. 'What guarantees', as Pope Pius XI put it in his address of the 11th February, 1929, 'can be hoped for from outside, even for a Temporal Power of considerable size like that which used to figure in the political geography of Europe, is a question that has been answered by what was done, or rather was not done, by the Powers, whether from lack of will or possibly from lack of power, to prevent its fall [in 1859–70].'

[1] In his speech in the Senate at Rome on the 25th May, 1929, Signor Mussolini alluded not only to the renewal of diplomatic relations between France and the Vatican in 1921, but also to the departure from the policy of laicism which was portended by the French legislation of 1929 with regard to missionary congregations on French territory.

[2] Perhaps 're-affirmation' rather than 'recognition' is the strictly accurate term, since the Kingdom of Italy had never expressly discontinued her express

afterwards declared explicitly that, in his estimation, the concordat had been the more important objective of the two.[1] 'The treaty', he remarked on the 14th February, 1929, in his address to Catholic students, with reference to the Lateran Treaty which had been signed three days before, 'does not need many justifications, external or internal, because in reality it has one justification which is outstandingly important and definitive. This is the concordat. And it is the concordat which not only explains, not only justifies but recommends the treaty.'[2] He added that, just because the concordat ought to have this function, he had willed from the outset that it should be a *sine qua non* of the treaty being concluded. Already on the 11th February, 1929, in addressing the parish priests of Rome at the moment when the agreements were being signed, he had referred to the concordat as an instrument which was 'inseparably bound up with the treaty' and which was 'to regulate suitably the religious conditions in Italy which, for so long a season, had been rough-handled, subverted and devastated by Governments which were either sectarian or else bound to the chariot wheels of the enemies of the Church, even when they were possibly not her enemies themselves.'

recognition of the Pope's Temporal Power, within the limits of the Leonine City, by any formal declaration. It might be held, of course, that, without any formal declaration of the kind, the terms of the Italian circular note of the 29th August, 1870 (see p. 426 above), had been superseded by the result of the plebiscite of the 2nd October, 1870, and still more by a prescriptive right deriving from the *de facto* incorporation of all but a remnant of the Leonine City in the Kingdom of Italy for more than half a century.

[1] There was also a third objective which was possibly in the Pope's mind from the outset and which certainly made itself felt, in the final outcome of the negotiations, in the shape of the financial convention. This objective was the acquisition of a substantial revenue which would be absolutely secure in perpetuity and absolutely under the Pope's own control, in contrast to 'Peter's Pence', which fluctuated according to the means and the disposition of the Roman Catholic community all over the world. (For example, since the General War of 1914–18 and the resulting political and economic catastrophes in Central Europe, the contributions from the Catholic parts of Germany and from the Catholic countries formerly subject to the Hapsburg Monarchy had fallen off in value, so that the Holy See had become perhaps embarrassingly dependent on the contributions from the United States.) Given the Pope's view that the Papal sovereignty was an absolute autocracy by divine right under the sanction of divine inspiration, it was inevitable that the Pope should dislike depending financially upon Peter's Pence, since, in the history of mundane institutions in the Western World, monarchs had seldom succeeded in retaining the powers of Government when once the power of the purse had passed into their subjects' hands. There is a note of embarrassment in the Pope's references to the financial convention in his address of the 11th February, 1929.

[2] Contrast Signor Mussolini's declaration (in his speech in the Chamber on the 13th May, 1929) that the treaty was obviously the most important of the three instruments signed at the Lateran on the 11th February, 1929.

As for the recognition of his territorial sovereignty, though this was of less importance than the concordat in the estimation of Pope Pius XI, that did not mean that he pursued this objective with any less determination or less conviction than his predecessors had displayed. In announcing the treaty on the 11th February, 1929, he described it as

> A treaty intended to recognize and, as far as *hominibus licet*, to assure to the Holy See a true and proper and real territorial sovereignty (there being no such thing in the world, at least down to the present, as a true and proper sovereignty which is not embodied in a definitely territorial form)—a status which is self-evidently necessary and due to One who, in virtue of the divine mandate and the divine representation with which He is invested, is unable to be the subject of any sovereignty on earth.[1]

If internal evidence may be taken as a guide, these words of Pope Pius XI were inspired by a passage from the memoirs of another great ecclesiastical—or ex-ecclesiastical—statesman, Talleyrand:

> It is self-evident that the head of a religion which, like the Catholic religion, is world-wide, requires the most perfect independence in order to exercise his power and influence impartially. In the actual state of the world, in the midst of the territorial divisions created by the times and the political complications resulting from civilization, this independence cannot exist without the guarantees of a temporal sovereignty.

It is not surprising that a Talleyrand should have taken this view or that a Mussolini should have quoted Talleyrand's opinion with approval;[2] and it is evident that, when a Pope signified his desire to negotiate on this ground, a Fascist Italy was not debarred from entertaining the Papal principle of the Temporal Power by any incompatible principles of its own. As between these two Powers, thus

[1] In the course of the same speech the Pope repeated that 'some kind of territorial sovereignty is a condition which is universally recognized as indispensable to every true jurisdictional sovereignty'. In his address of the 14th February, 1929, he said: 'If the treaty had not had another objective than that of regulating, in terms of the most absolute indispensability and sufficiency, the definitive and essential condition of the Holy See and the Roman Pontiff, to wit that, on account of the divine responsibility with which he is invested, whatever name he may have and in whatever time he may live, he cannot be degraded to being made the subject of anybody, this objective would have been attained forthwith upon the establishment of those indispensable conditions of sovereignty—a status which (at any rate under existing historical conditions) is not recognized except through the medium of a certain measure of territoriality.'

[2] This passage from the second volume of Talleyrand's memoirs was quoted by Signor Mussolini in the Chamber on the 13th May, 1929. It may be conjectured that Talleyrand's opinion had been cited, as a historical curiosity, at some stage of the negotiations and that some of the turns of phrase in which it was expressed had entered into the thought of the negotiators on both sides.

minded, the issue was one not of principle but of expediency. It was the finite, concrete question: 'How much territory can I advantageously demand?' and 'How much territory can I advantageously sign away?' It is, however, surprising at first sight that so high-minded and so intelligent a man as Achille Ratti, living in the world as it was at the time when these Italo-Papal negotiations were carried through, should have taken this ground at all.

A Voltaire or a Gibbon would have taken the Vicar of Christ to task in mockery, and a Tolstoy or a Gandhi in earnest, for having failed to draw his inspiration on such a matter from his Divine Master—and on this point the internal evidence is clear, whether we turn to the reported sayings of Jesus or to the story of His life on earth. Among the sayings, the following come to mind:

> Render unto Caesar the things that are Caesar's and to God the things that are God's . . .[1]
>
> The Son of Man hath not where to lay his head . . .
>
> My kingdom is not of this world. If my kingdom were of this world, then would my servants fight, but now is my kingdom not of this world.

Indeed, the complete divorce of this King's kingdom from any element of territorial sovereignty had made a deeper impression on posterity than any other feature of his brief earthly reign. Born the subject of Herod the Great—a King whose territorial sovereignty was 'true and proper and real' beyond cavil—Jesus had been put to death, on territory which had passed during his lifetime from Herod to Rome, by the Government of the Roman Republic, a sovereign Power whose vast dominions appeared to its subjects to be co-extensive with the world itself. The infliction of the death penalty is the supreme exercise of territorial sovereignty over the person of a subject; the suffering of the death penalty is the proof that he who suffers it is not a territorial sovereign himself. Then was Jesus's sovereignty not 'real and proper and true'? A strange heresy to suspect in a Pope who had inaugurated a festival of 'Christ the King'! Yet if 'Christ the King' was not unable to be the subject of an earthly sovereign, why was the status of territorial sovereignty 'self-evidently necessary and due' to one whose claim to be invested with a 'divine mandate' and a 'divine representation' rested wholly upon his claim to be the successor of the chief of Christ's Apostles? The apparent paradox comes into still sharper relief when we observe that, while the Pope's position was clearly not incompatible in

[1] For the citation of this text by Pope Pius XI à propos of the *Partito Popolare*, see p. 442 above.

principle with the position of the Fascist State,[1] its conflict in principle with the historical kingdom of Christ on earth was at first sight absolute. For the lack of territorial sovereignty had been no fortuitous or meaningless feature of Christ's earthly reign. It had been the essence of its nature, not only in the feeling of posterity but in the emphatically expressed conviction of the King himself.

To Catholic minds, this apparent paradox was not difficult to resolve. In the Catholic view (which likewise could be supported by texts), no conflict of principle arose because material property and power were not regarded as good or evil in themselves but as means of activity which a servant of God would require in lesser or greater quantities according to the nature of the duties with which he was charged. On these lines, Pope Pius XI might have declared, with entire sincerity, that the material apparatus which he required in order to do his work was as much greater than that which Christ had required as his spiritual range of action was smaller than his Master's. Christ had been a prophet or more than a prophet; the Vicar of Christ was merely an executor and trustee. Christ had sown a grain of mustard seed; the Vicar of Christ had merely to tend a tree which had grown through the centuries until its branches overshadowed the earth. Christ had been surrounded by a small band of friends who were bound to him by ties of personal devotion; the Vicar of Christ was *servus servorum Dei*—the responsible officer in

[1] In this connexion it is interesting to note what was the effect of the Italian recognition—or reaffirmation—of the Temporal Power of the Papacy in the view of Signor Mussolini. When Signor Mussolini spoke on the Lateran Agreements in the Chamber at Rome on the 13th May, 1929, he followed after Signor Solmi, the *rapporteur* of the parliamentary committee which had been examining the draft laws through which the agreements were to be given effect on the Italian side.

'May I be permitted', he said, 'to take up the formula with which the Hon. Solmi concluded his speech in the sitting on Saturday. He said, "A free and sovereign Church; a free and sovereign State."' [This was, of course, an adaptation of Cavour's famous formula: 'A free Church in a free State'.] 'We may find ourselves confronted with an ambiguity; and hence it is important to clarify our ideas. This formula might create the impression that we have a coexistence of two sovereignties. On one side is the City of the Vatican, on the other side is the Kingdom of Italy which is the Italian State. We must persuade ourselves that between the Italian State and the City of the Vatican there is a distance which can be reckoned in thousands of kilometres, even if it so happens that five minutes suffice for going to visit this state and ten for beating its bounds.'

Signor Mussolini reiterated this when he spoke in the Senate on the 25th May, 1929:

'The distances between the Kingdom of Italy and the City of the Vatican are counted in thousands of kilometres, like the distance that separates Paris from the Vatican, Madrid from the Vatican, Warsaw from the Vatican.'

command of a church which had turned into an elaborately organized corporation of some three hundred million people extending throughout the world and including persons of every race, language and political allegiance. Such an officer—no more but also no less than Peter or than Christ himself—must possess the material means of discharging his onerous duty towards God. The common underlying principle was that each servant of God should discharge his particular duty without taking more material property and power than the strict minimum required. This principle was finely enunciated, à propos of the case in point, by Pope Pius XI himself.

> Perhaps [he said, in his address of the 11th February] some people will think that the treaty has given Us too little territory, too little temporality. We can state, without entering into unseasonable particulars or points of precise detail, that it is really little, very little, the least possible, that we have asked for in this field—and this deliberately after much reflection, meditation and prayer. We took this line for reasons that appear to Us sound and strong. First and foremost, We wanted to show that We are all the time the Father treating with his sons, which means that We are disposed not to increase the complications and difficulties but to diminish them. Moreover, We wanted to calm and put a stop to all alarms and to render quite unjust and absolutely irrational all recriminations that had been made or might be made in the name of a—We were going to use the word 'superstition' about the integrity of the national territory . . . In the third place, We wanted to show in a peremptory manner that the Vicar of Christ is not moved by any territorial cupidity but solely by the consciousness of what it is not possible to forbear to ask; in as much as some kind of territorial sovereignty is a condition which is universally recognized as indispensable to every true jurisdictional sovereignty—whence it follows that We must have that quantum of territory that just suffices as a support for the attribute of sovereignty itself, that quantum of territory without which sovereignty could not exist because it would not have a place where to rest the sole of its foot. In short, We believe Our view coincides with the facts illustrated in the person of the Blessed Saint Francis: the quantum of body that suffices to keep body and soul together. Likewise for other saints: the body reduced to the minimum necessary to serve the soul and keep life—and, with life, beneficent activity—in being. It will be clear, We hope, to all that the Supreme Pontiff retains no more than that quantum of material territory which is indispensable for the exercise of a spiritual power entrusted to human beings for the benefit of human beings. We do not hesitate to say that We are gratified that this is so. We are gratified at seeing the territorial material reduced to such minute proportions that it, too, can and should be regarded as being spiritualized by the immense, sublime and truly divine spirituality which it is destined to support and serve.
>
> As a matter of fact, We feel Ourselves justified in saying that although this territory which We have reserved to Ourselves, and which has been recognized as Ours, is small in the material sense, it is at the same time

great—the greatest in the world—from whatever other point of view it is regarded. When a territory can boast of the Colonnade of Bernini, the cupola of Michael Angelo, the treasures of science and art contained in the archives and the libraries, the museums and the galleries of the Vatican, when a territory covers and guards the tomb of the Prince of the Apostles, it may justly be affirmed that in the whole world there is no territory that is greater or more precious.

And so We can reply very victoriously and very tranquilly to those who criticize Us for having asked for too little. And, perhaps, after all, these critics do not sufficiently envisage the inconvenience and the danger (We say this to-day) of adding to the universal government of the Church the civil administration of a population, however diminutive. The littleness of the territory safeguards Us against every inconvenience and danger of this kind. For sixty years past the Vatican has been governed without particular complications.

There is a wealth of imagination and of statesmanship in these words; and Signor Mussolini afterwards bore witness[1] that the Pope had already acted on his principle before he gave this public utterance to it. On at least two critical occasions during the negotiations of 1926–9—the second occasion being on the eve of signature and thus on the eve of the day on which the words just quoted were spoken—the Pope had saved the situation by consenting to an important diminution of his territorial demands. Yet this resolution of the apparent moral paradox in Pope Pius XI's position leaves an intellectual paradox which is harder to resolve and which is heightened by the very breadth of vision which his words reveal. There would be nothing strange in the spectacle of a latter-day Borgia or Colonna on the Papal throne who sought to disguise under the fine name of a principle a thoroughly unprincipled lust for the material power which territorial sovereignty commonly brings in its train. It is exceedingly strange to see the sincere and high-minded and clear-headed Achille Ratti disengaging the Temporal Power of the Papacy from all but the barest residue of its material trappings in order to discover underneath an irreducible minimum which was still essential to true and proper sovereignty and, therefore, still, in his view, part of the material means indispensable to a Pope for the discharge of his duty. When he had gone thus far, how was it that he failed to take the final step of discarding altogether the territorial basis of sovereignty, thus exposed naked? The question arises because territorial sovereignty was an institution which, to all appearance, had already seen its best days by the time when the Pope reaffirmed his confession of faith in it and recommitted his destinies to it in 1929.

[1] In his speech in the Chamber at Rome on the 13th May, 1929.

The Territorial Sovereign State, which had been the master institution of Western Society for rather more than four centuries, had already done its work when the completion of Italian unity had reduced the Papal State to the compass of the Vatican enclave in 1870. Thereafter the corporate life of Mankind had begun to find fulfilment through other institutions; and the General War of 1914–18 had made it evident that the master institution of one age had already become the chief bane of its successor—the chief obstacle to the progress and the chief danger to the preservation of Western Civilization. Had Voltaire lived in this age, it would assuredly have been the Sovereign National State and not the Roman Catholic Church which would have evoked his 'Voilà l'ennemi! Écrasez l'infame!' And a Voltairian-minded statesman on the Papal throne might have smiled as he reflected how in 1870 the Papacy had been saved from the city of destruction by the Italian Risorgimento in spite of itself. The toil and travail of the Risorgimento had fulfilled itself in the union of Italy only that the new Kingdom might take its place at the eleventh hour among the *peritura regna* of an outworn age. The fruitful, enduring work of the Risorgimento had been something unconscious and unintentional. It had been the liberation of the Holy See from the grave-clothes of the Temporal Power in order that the Papacy might find itself in harmony with the spirit of a new age, in which the Kingdom, the Power and the Glory had departed from the institution of temporal sovereignty and had taken up their abode elsewhere—in the Trust, in the Trades Union, in the Press, and perhaps most potently of all in the voice of a Tolstoy or a Gandhi sweeping like a tempest over the souls of men and making the Sovereign State that claimed the prophet as its subject bow before the blast. In this new world, in which the Territorial Sovereign State seemed likely to relapse into that subordinate place in human affairs which it had occupied in the Middle Ages, might not 'the prisoner of the Vatican' be called to reassume the role of a Gregory or a Hildebrand? Might not the territorial Risorgimento of Italy fall into perspective as a divinely appointed means to a greater end—the spiritual Risorgimento of the Pontificate?

There was, indeed, a school of Catholic publicists which, hoping this hope, had greeted the League of Nations as a sign of the times.[1]

[1] See an anonymous article by a Roman Catholic, entitled 'The Roman Question: Reflections on a Settlement', in the *Review of Reviews*, 15th February, 1929. See also Yves de la Brière, S.J.: *L'Organisation Internationale du Monde Contemporain et la Papauté Souveraine* (Paris, Editions Spes, 1st series, 1924; 2nd series, 1927; 3rd series, 1930).

Here was a new international personality which was neither a world-wide super-state nor a local state with a less than world-wide territorial sovereignty. The League of Nations was not a state at all; it had no territory, no dominion, no jurisdiction, no citizens. Indeed, all its officers, from the Secretary-General down to the typists and the porters, were subjects of local sovereigns. And yet the League was a juridical *persona* and a moral force, and in either of these capacities it was an entity distinct and different from the mere aggregate of its States Members. Through the Secretary-General or the Council it could communicate with local territorial sovereigns and require an answer; it had a number of specific rights and duties; and its officers and premises enjoyed diplomatic immunity. In short, it had a continuous existence as an entity in international life and possessed many of the attributes of sovereignty—and all this without 'territoriality'. If we read between the lines of the passage quoted above from the Pope's address of the 11th February, 1929, we may apprehend that he had taken account of this Catholic school of thought and had found himself in disagreement with it. Presumably he regarded such views of the juridical status of the League as too speculative, and the standing of the League itself as too precarious, to justify him, as a trustee, in staking the fortunes of the Catholic Church on this hazard. Yet if he mistrusted the judgement of the idealists, he might have observed the behaviour of the business men and even have ventured to follow their lead, in the assurance that the children of this world had always been wiser in their generation than the children of light. In Achille Ratti's time it was already becoming apparent that the Great Powers of the future would not be any local territorial states—not even those of the greatest calibre—but 'big businesses' operating on a world-wide scale; and the modern Mammon of Unrighteousness was proclaiming by its acts that it had ceased to regard territorial sovereignty as an efficient instrument for the acquisition and exercise of power. In the seventeenth and eighteenth centuries the merchant adventurers had sought after territorial sovereignty as eagerly as the emperors and kings; but their experience during the nineteenth century had taught them that, in the changing conditions of the world, territorial sovereignty had become as great a handicap in the pursuit of power as feudal tenures or suits of plate-armour. In the twentieth century, when the captains of industry were apparently within sight of winning the mastery of the world, they would have been astonished to see applied to them, the Pope's conception that the status of being subject to a local sovereignty was degrading. They would have confessed in

private that they could scarcely have secured the substance of power if they had not been careful to eschew the form; and they would have pointed out, with some irony, that every mesh in the net-work of private commercial companies on which their rising world dominion was based was incorporated, in the territories of some local sovereign state, under the laws of the land.

It seems strange, indeed, that a Pope so intellectually eminent as Pius XI should ignore the signs of the times in order to reimprison himself in the political map as the territorial sovereign of a state with an area of 44 hectares—a state compared with which the Republic of Andorra with its 452 square kilometres and the Republic of San Marino with its 59 square kilometres were 'empires'.[1] 'We have not resuscitated the Temporal Power of the Popes, we have buried it', Signor Mussolini declared; and his claim carries conviction to a detached observer's mind.

If Pius XI went down to posterity as the founder of the Vatican City State, his epitaph would be 'urbem fecisti quod prius orbis erat' in a different sense from that which the poet had intended.

What, then, was it that caused Pope Pius XI to mortgage the Papacy's hope of resurrection as a new World Power in a new World Order in order to recover the title-deeds of the Ager Vaticanus? What was the pearl of great price which had been buried in this field? Not, surely, the Papal State in the historic form in which it had been built up in the fifteenth century[2] and pulled down again in the nineteenth, for this had been a short-lived institution whose foundations had not been laid deep in the soil. The pearl of great price that lay hidden in the Ager Vaticanus must have been something more ancient than the Papal State; and a phrase in the Pope's address of the 11th February, 1929, reveals in a flash what this something was. 'When a territory covers and guards the tomb of the Prince of the Apostles . . . .' The phrase recalls something that was pre-existent not only to the Papal State but to all the previous metamorphoses and vicissitudes of the Holy See: pre-existent to the Great Schism and to the Babylonish Captivity at Avignon and to the Papal Super-State conceived by an Innocent III and a Gregory VII and to the older dyarchy between the Holy See and the Holy Roman Empire. This pre-existent something was a 'temple-state'—precipitated by the Tomb of St. Peter and subject to the priest who tended the shrine—which had emerged from the debris of the Roman Empire itself

[1] Signor Mussolini in his speech of the 13th May, 1929.

[2] It was not until then that the papal aspirations, claims, and efforts of the previous eight centuries were effectively fulfilled.

and which had ever thereafter survived as the nucleus of the successive institutions that had grown up round it.

The emergence of a 'temple-state' from the dust of a pulverized world-empire was not a unique historical phenomenon. It had occurred before when the Persian World-Empire of the Achaemenidae had been pulverized by Alexander the Great. When the dust of that great overthrow had settled down, the new map of Western Asia had revealed a dozen 'temple-states' of the kind—from the temple of Ma at Comana to the temple of Yahweh at Jerusalem—which subsequently held their own in the turbulent growth of Hellenistic Society.[1] Among all the historic varieties of political structure, the 'temple-state', precipitated by oecumenical catastrophes, was one of the most primitive and perhaps therefore one of the most vital. And this, assuredly, in the sight of Pius XI, was the pearl of great price which the Ager Vaticanus held in its bosom—a 'primordial image' of such compelling power over the depths of the human soul that it could draw away the gaze of an Achille Ratti from the dawning *visio beatifica* of a City of God not founded on earth nor built by human hands.

(*b*) The Negotiation of the Lateran Agreements (1926–9).[2]

It remains to record the principal events in the negotiation of the three instruments which were signed at the Lateran on the 11th February, 1929.

The ultimate explanation of how the settlement between the Holy See and the Fascist State came about is to be found in those similarities of outlook and convergences of aim that have been examined above; but these ultimate forces performed their work unobtrusively in the background—untrumpeted by the protagonists and unobserved by the majority of men, women and children, in Italy and elsewhere, whose lives the settlement affected. Meanwhile, on the foreground of the stage, the protagonists were making gestures and striking postures *vis-à-vis* one another which would not have

[1] See W. W. Tarn: *Hellenistic Civilization* (London, 1927, Edward Arnold), pp. 114–17.

[2] The most authoritative accounts of the negotiations that had been made public by the time of writing from the respective standpoints of the two parties were the narrative in Signor Mussolini's speech delivered in the Chamber at Rome on the 13th May, 1929, and a statement—published in the *Popolo d'Italia* of the 12th February, 1929, and reproduced in translation in *The Treaty of the Lateran* by Benedict Williamson (London, 1929, Burns, Oates & Washbourne)—from Avvocato Pacelli, the principal negotiator on the Papal Government's behalf.

indicated to the uninitiated spectator that they were moving all the time towards the grand finale of a public embrace.

Since the rise of the Fascist Party, the Holy See had encountered Fascism in at least three different guises. In the first place, Roman Catholic clerics, laymen, properties and institutions in Italy had from time to time shared the experience of other non-Fascist elements in finding themselves the victims of Fascist violence. These outbreaks of violence, however, had been occasional; they had been at least officially disavowed by the Fascist authorities; and they had grown less frequent as the Fascist movement had passed out of its earlier and less strictly organized stage—especially after the radical Catholic *Partito Popolare*, together with all other non-Fascist political parties, had been driven out of the political arena.[1] By contrast, the official posture of the Fascist authorities towards the Holy See had been polite and even deferential. They had replaced the crucifix in certain public places—for instance, on the Capitol and in the Colosseum at Rome—and in the primary schools; in the primary schools, again, they had restored religious instruction to the position which it had occupied before 1888 as a regular element in the curriculum; in the army they had re-established a service of almoners (chaplains);[2] they had increased the stipends of the clergy; they had taken general measures for protecting religious processions in public places; and they had taken special measures, during the Papal Jubilee Year of 1925, for securing the comfort of pilgrims.[3] These friendly gestures, however, with the important exception of the re-establishment of religious instruction in the curriculum of the primary schools, had not touched vital matters; and in such matters Fascism presented itself to the Holy See in yet a third guise: as an authoritarian organization which in principle claimed the whole allegiance of every citizen of the Italian State, body and soul, and which had not yet signified its readiness to cede to any other authority any part of this all-inclusive spiritual dominion. This third aspect of Fascism was,

[1] The Fascist attacks on Catholic clerics, laymen and institutions had mostly been made against individuals and organizations that were closely associated with the *Partito Popolare* and that took an anti-Fascist line. A portion of the *Partito Popolare* supported the Fascist movement and contributed several ministers and under-secretaries to Signor Mussolini's first Cabinet. Some of these retained prominent positions in the Fascist ranks, e.g. Senator Cavazzoni, who was a frequent member of Italian delegations to the Assembly of the League of Nations.

[2] Almoners had been attached to the Italian army during the General War of 1914–18, and had remained attached to it until 1921.

[3] For details see the *Manchester Guardian*, 20th January, 1926; *The Times*, 2nd February, 1926; *Le Temps*, 17th May, 1928.

of course, from the Papal standpoint, the most serious and significant.

After making itself master of Italy, the Fascist Party had set itself systematically to overhaul and reorganize the kingdom which it had taken by violence; and in due course it came to deal with the rather heterogeneous collection of ecclesiastical legislation—briefly described above—which it had inherited from the preceding régime. It dealt with this by appointing a Mixed Commission—presided over by a 'good Catholic' Under-Secretary of State—to review, revise and consolidate the whole existing body of legislation in this field; and it looked forward to seeing the results of these labours blessed by the Pope—partly because certain distinguished prelates participated unofficially in the work, and partly because the report of the Commission, when completed, contained proposals for certain changes in the law which, on their merits, seemed bound to secure the Holy See's approval. It was proposed, for instance, that properly constituted religious orders should receive juridical rights and recognition, and that the abolition of the *exsequatur* and the *placet*, illusorily enacted in the Law of Guarantees, should be given actual effect. This was a very emphatic gesture of conciliation from the Fascist side; but it was rebuffed by the Pope in an equally emphatic manner.

His first note of warning was uttered, when the labours of the Commission were approaching completion, in an allocution delivered towards the end of the Jubilee Year:

> Never at any time has it been to such an extent possible for so many of the faithful to see with their own eyes, and realize in actual fact, how far removed is the condition of the Head of the Catholic Church from that which is due, right, and necessary for the supreme authority with which he is invested in that Society, universal and, in its nature, perfect, which by divine institution the Catholic Church is.

On the 18th February, 1926, when the report of the Commission was ready for submission to the Chamber, the Pope followed up this first reconnaissance by a frontal attack in the form of a letter addressed to the Cardinal Secretary of State, Cardinal Gasparri, in which he declared that the prelates who had participated in the work of the Commission had received no mandate from the Vatican; that their participation did not imply that the work had been carried out 'in agreement with the Holy See and with the supreme ecclesiastical authorities'; that the proposals were the one-sided work of the Italian Government; that, even if they offered some improvements upon the legislation of the previous Liberal régime, they neither constituted adequate reparation nor opened the way towards true

religious peace; and that peace would not be possible until the Law of Guarantees had been abolished, until the Holy See had recovered its full liberty and independence; and until the ecclesiastical legislation of Italy had been reformed by agreement between the Holy See and the Italian Government, negotiating as two Powers on an equal footing.

The first response to this uncompromising utterance was a Press-campaign against the Cardinal Secretary of State by the Secretary of the Fascist Party, Signor Farinacci—a campaign which drew from the Pope a second public letter addressed to Cardinal Gasparri and certifying that he was the authorized and faithful interpreter of the Pontiff's thoughts. The second response was a soft answer from the Minister of Justice in the Fascist Government, Signor Rocco, in the form of a speech delivered in the Chamber at Rome on the 13th May, 1926, in which the Guardasigilli virtually admitted that the Pope's action had rendered the work of the Mixed Commission nugatory and at the same time announced that, as an earnest of the Fascist conviction of the Catholic character of the Italian State, the crucifix was henceforth to be replaced in the law-courts. The ultimate response was the entry of the Fascist Government, on the 6th August, 1926, into a series of negotiations with the Holy See which ended in the settlement of the 11th February, 1929. In the meantime, Fascism gave the Pope a demonstration of its power by taking the offensive against him in another field of legislation—the educational field—in which the stakes of victory were still higher than they were in the ecclesiastical field, but in which the Pope's combatant strength was by no means as great.

A law of the 3rd April, 1926, 'for the establishment of the national activity called the Balilla,[1] with a view to the physical and moral assistance and education of young persons'—supplemented by a royal decree-law and a royal decree of the 9th January, 1927—rendered obligatory the dissolution of all branches of any competing organizations in places with less than 20,000 inhabitants, while branches in larger places were offered a choice between dissolution and transformation into branches of the Fascist Balilla itself. This legislation was a blow aimed at the *Esploratori Cattolici* (the Italian organization of Catholic boy-scouts); and the Holy See's inability to

[1] The juvenile organization of the Fascist Party, named after a Genoese boy who, in the middle of the eighteenth century, had thrown a stone at a detachment of French soldiers marching through Genoa and had thus given the signal for a popular rising which had resulted in the expulsion of the French from the city.

parry it was confessed in a public letter addressed by the Pope to Cardinal Gasparri on the 24th January, 1927, in which he sought to 'save his face' by anticipating the effect of the law through his own action. In fact, the letter, after citing the Fascist legislation above-mentioned, announced the immediate dissolution of Catholic boy-scout troops in places with less than 20,000 inhabitants by the Pope's command and gave Papal authorization for troops in larger places to conform to the Fascist law. The Pope merely took note of the fact that the royal decree of the 9th January, 1927, exempted organizations and activities whose purpose was predominantly religious; and he made the one request that, in order to provide for the religious assistance and instruction of Catholic ex-boy-scouts incorporated in the Fascist Balilla, the regulations of the Balilla should be supplemented by an official rider directing the organizers to apply for this purpose to the Bishops. In a semi-official note of the 25th January, 1927, the Fascist Government intimated that this request was granted. If the test of victory was possession of the field, the Fascist victory in this battle was complete. Yet the Pope had only abandoned this field to his adversaries under *force majeure*, and in the act of beating his retreat he unfurled his standard.

> We are confronted [he wrote in his letter of the 24th January, 1927] with legislative ordinances that prescribe the teaching of a doctrine which, we have reason to fear, is founded, or culminates in, a conception of the State which already, in two consistorial allocutions, we have been compelled to signalize as being not in conformity with the Catholic conception. We are confronted with these ordinances that . . . seem to extend restrictions and prohibitions to all educational activities, including those of a moral and spiritual nature—a field which comes pre-eminently within the scope of the divine mandates of the Catholic Church.

On the 20th December, 1927, in a consistorial allocution in which he reviewed the events of the expiring calendar year, the Pope displayed his banner again. Having alluded in terms of strong condemnation to the attempt on Signor Mussolini's life which had been made at Bologna on the 31st October, 1926, and in terms of strong protest to the attacks upon Catholic clerics, laymen, property and institutions which had been one expression of the popular reaction to the crime, he went on to say:

> It seems that an obscure threat (a threat in the form of clouds of suspicion, intrusions and difficulties) is suspended over the organizations and the work of the *Azione Cattolica*, the apple of Our eye. And it seems, too, that the education and Christian moulding of youth, which is the most exquisite part of the Divine mandate, is in danger. Once again We

> hear proclaimed a conception of the State which cannot be the Catholic conception—a conception which makes of the State an end and of the citizen—that is, of the man—a means by monopolizing and absorbing everything in the former.
>
> It seems that a real dualism of powers and functions continues, in the provinces, to find executors and often arbiters of superior orders (good and beneficial in themselves) in men who, under new banners and new names, remain, nevertheless, the same bitter partisans of yesterday, the same enemies of society and religion. It is hard to reconcile with the official demonstrations of respect for religion the treatment, unworthy of their cloth and their character, meted out to ministers of religion, and this notwithstanding the intervention of the Bishops.

Again, in an address delivered to the Diocesan Board of Rome on the 25th March, 1928, the Pope publicly and severely censured the members of the Catholic Centre Party—the extreme right wing of the defunct *Partito Popolare*, which had found its way into the Fascist fold—for their attitude towards the Holy See as exemplified in word and deed during a recent party congress at Rome;[1] and in this address he alluded to the education question once more:

> We know that there are not a few Christian parents who, well knowing what a Christian education and upbringing is and ought to be—the education which the Church alone has the mission and the means to impart—remain profoundly saddened and filled with apprehension at the spectacle of continuous attempts, or rather a systematic plan of campaign, to establish a veritable monopoly of juvenile education—moral and spiritual as well as physical.

On the 9th April, 1928, Signor Mussolini retorted with a decree ordaining that:

> Every organization aiming at the instruction of youth in a profession or an art, or at the physical or spiritual education of the young, which is not part of the National Balilla is forbidden, and Prefects in the provinces are to put this law into force within thirty days of its promulgation.

The asperity of this decree was somewhat tempered on the 14th May, 1928, by the issue of a circular to Prefects explaining that the only non-Fascist children's organizations affected by the decree were those of a semi-military nature—particularly the *Esploratori Cattolici* —and that other Catholic children's organizations belonging to the *Azione Cattolica* were to remain in being.

In the meantime the two Powers which were conducting this

[1] Texts of the Pope's address of the 25th March, 1928, and the National Centre Party's reply of the 27th March in the *Corriere della Sera*, 28th March, 1928.

spiritual warfare on the foreground of the stage had been negotiating behind the scenes.

The first *démarche* seems to have been made from the Papal side, by way of a suggestion conveyed on the 5th August, 1926, by a Monsignore to a member of the Italian Council of State, Signor Domenico Barone, an eminent jurist who was a Catholic as well as a Fascist.[1] On the 6th, Signor Barone informed one of the legal advisers to the Holy See, the Consistorial Advocate Commendatore Francesco Pacelli, that Signor Mussolini would be glad to know on what bases it would be possible to 'systematize' the Roman Question. Commendatore Pacelli answered forthwith that there were two substantial points on which the Holy See could not give way: first, the reconstitution (by a treaty) of a Pontifical State, however small, in which the sovereignty of the Pontiff would be manifest and visible and which would guarantee to the Holy Father the free exercise of his spiritual power; second, an arrangement (in a concordat) for conferring upon the religious sacrament of marriage, under certain conditions, the legal effect of the civil rite.[2]

It will be observed that these irreducible points of substance in the Papal desiderata necessitated no concessions of substance, but only concessions of juridical form, on the Italian side, in as much as the Vatican enclave had always remained beyond the pale of the Italian Government's jurisdiction, while the Italian Civil Law of marriage had in substance departed from the Canon Law very slightly, and this in the direction of greater stringency.[3] Accordingly, Signor Barone was able to inform Commendatore Pacelli that it would be possible to negotiate on this basis; and this momentous decision was justified, from the Italian point of view, by the event. As Signor Mussolini put it,[4] the treaty of the 11th February, 1929, assigned no territory to the City of the Vatican beyond that which it possessed already and which no force in the world and no revolution could have taken from it, and it compelled no Italian subject to become a subject of the new state except by his own deliberate choice. As for the effect of the concordat upon the substance of the Italian Civil Law

[1] Signor Mussolini, in his speech in the Chamber on the 13th May, 1929.

[2] Commendatore Pacelli, in an interview published in the *Popolo d'Italia* on the 12th February, 1929.

[3] The requirement that the civil ceremony must be performed before the religious sacrament was administered (see footnote on p. 436 above) was not a point of substance but a point of procedure which had been introduced at a later date than the Civil Code in which the substance of the Italian Civil Law of Marriage was embodied.

[4] In his speech in the Chamber on the 13th May, 1929.

of marriage, its slightness can be gauged by a study of the new Italian legislation which was passed in order to give the concordat effect. On the other hand, it will be observed that there was one burning question—the question of the control of the education of Catholic Italian children—about which no conditions were put forward on either side at this stage; and it is significant that controversies over this question interrupted the negotiations while they were in train and reasserted themselves in the very acclamations with which the two parties greeted the eventual settlement of the 11th February, 1929.

There was only one preliminary condition which Signor Barone was instructed by Signor Mussolini to lay down; and this was that, if an agreement were reached, the Holy See should recognize therein the definitive 'systematization' of the Roman Question and should, therefore, accept the state of affairs that had been created in 1870 when the Kingdom of Italy had been formed with Rome as its capital. The following preliminary conditions were laid down on the Papal side: that negotiations should be started on the Italian Government's initiative; that the Italian Government should undertake to let the negotiations take their course as though the Law of Guarantees were non-existent; and that the negotiations should be absolutely secret.[1] Under these conditions, the Pacelli-Barone conversations were carried on until the first week in October, when the principals on either side began to take action.[2]

On the 4th October, 1926, Signor Mussolini, in a letter[3] dated 'National Festival of St. Francis of Assisi' and written with his own hand, formally authorized Signor Barone to get into touch with representatives of the Holy See with a view to ascertaining the conditions on which that Power would be disposed to come to a friendly, general and definitive systematization of its relations with the Italian State. The mission with which Signor Barone was thus invested was to be neither official nor semi-official and was to be strictly confidential, but its object was to be the laying of foundations for agreements of an official character. On the 6th October Cardinal Gasparri wrote a letter to Commendatore Pacelli[4] investing him with a corresponding mission; and in a further letter of the 24th October the Cardinal laid down six points.[5] The first point was that the conditions offered to the Holy See must be in conformity with its dignity and with justice. The second point was that, as a corollary to the first point, the conditions must be such as to guarantee to the Holy See full liberty and independence, which were to be not only real and effective but also

[1] Mussolini, *op. cit.* [2] Pacelli, *op. cit.* [3] Text in Mussolini, *op. cit.*
[4] Extract in Mussolini, *op. cit.* [5] Text in Mussolini, *op. cit.*

visible and manifest, with territory in its full and exclusive ownership, in respect of both *dominium* and jurisdiction, as true sovereignty required. The territory must also be inviolable in all contingencies. Thirdly, the new territorial arrangement on the political map must be recognized by the Powers. Fourthly, it must be the Italian Government's task to secure such recognition to the best of its ability—at least from the European Powers with which the Holy See and Italy were in diplomatic relations—before opening the official negotiations. Fifthly, for political convenience the political agreement should be combined with a concordat convention to regulate ecclesiastical legislation in Italy. Lastly, the resultant diplomatic instruments must be approved by the political and constitutional authorities in Italy, that is, by King and Parliament. The third and fourth of these points implied that both the negotiations and the treaty relating to the territorial sovereignty of the Pope would be bilateral, no less than the negotiations leading up to the concordat; and, in the event, this implication was strictly followed out.

Under these conditions, a first draft for the political treaty was completed by Commendatore Pacelli and Signor Barone on the 24th November, 1926. The two representatives then turned their attention to drafting a concordat with the collaboration of the Secretary of the Sacred Congregation for Extraordinary Ecclesiastical Affairs, Monsignor Borgongini Duca; and the text of this instrument had been virtually completed by February 1927, though it was not till April 1927 that it was communicated to the High Contracting Parties.[1]

Meanwhile, on the 10th December, 1926, Signor Mussolini had received authority to open the official negotiations from the King; and on the 31st December he wrote to Cardinal Gasparri[2] informing him that Signor Barone had now been invested with an official mission to negotiate—secretly and *ad referendum*—for a formal, as well as definitive and irrevocable, systematization of the relations between the Kingdom of Italy and the Holy See, on the understanding that it was to be a systematization which, while securing to the Holy See a position satisfactory to it, would involve a recognition on the Holy See's part of the events which had culminated in the proclamation of Rome as the capital of the Kingdom of Italy under the Dynasty of the House of Savoy.

From April 1927 to May 1928 the negotiations appear to have been interrupted[3] by the passages of arms between the Papacy and the Fascist State, recorded above, over the specific question of the

[1] Pacelli, *op. cit.* [2] Text of this letter in Mussolini, *op. cit.*
[3] Mussolini and Pacelli, *opp. citt.*

Esploratori Cattolici and the general question of control over the education of Catholic Italian children.

On the 20th August, 1928, however, the two official negotiators drew up texts, which so far as they personally were concerned were definitive, for three instruments: a treaty, a concordat and a financial convention.[1] Thereafter, on the 3rd September, 1928, Cardinal Gasparri informed Commendatore Pacelli (though with many reservations on points of detail) that official negotiations could now begin.[2]

At this point, progress was checked by Signor Mussolini's inability to accede to the Pope's desire that the Villa Doria Pamphilj on the ridge of the Janiculum, outside the Porta San Pancrazio, together with the territory known as the Valle del Gelsomino, between the Villa and the Vatican, should pass, not under the sovereignty but into the ownership of the Holy See, in order that all the foreign diplomatic missions accredited to the Holy See might be domiciled there. The Pope resolved the deadlock by renouncing this desire on the 8th November, 1928;[3] and on the 9th Signor Barone was able to show Commendatore Pacelli a letter from Signor Mussolini informing him likewise that official negotiations could now begin so far as the Italian Government was concerned.[4]

On the 22nd November, 1928, the King of Italy appointed Signor Mussolini his delegate—with power to sub-delegate to Signor Barone—for conducting official negotiations for the solution of the Roman Question and for signing the texts of the treaty and concordat relative thereto. On the 25th, the Pope similarly appointed Cardinal Gasparri, with power to sub-delegate to Monsignor Borgongini Duca and to Commendatore Pacelli.[5] By this time, however, Signor Barone was a sick man; on the 4th January, 1929, he died; and from the 8th January onwards Signor Mussolini took the negotiations on the Italian side into his own hands, dealing with Commendatore Pacelli direct. In the last few meetings at this final stage, the Capo del Governo was assisted by three experts: Signor Rocco, Commendatore Consiglio and a civil engineer, Signor Cozza.[6]

On the 10th February, 1929, on the eve of signature, a difficulty arose over the cession of 500 square metres of territory by the Kingdom of Italy to the nascent state of the City of the Vatican in order to provide space for erecting a railing (to demarcate the frontier) in front of the Palace of the Holy Office; and in this instance, again, the Pope demonstrated that, in insisting upon territorial sovereignty, he

[1] Pacelli, *op. cit.* [2] Pacelli, *op. cit.* [3] Mussolini, *op. cit.*
[4] Pacelli, *op. cit.* [5] Pacelli, *op. cit.*
[6] Pacelli and Mussolini, *opp. citt.*

was holding out for a principle and was not seeking territory for its own sake. In this matter, Signor Mussolini testified[1] that

> When the Holy Father realized that this [question of ceding 500 square metres] disturbed my conscience in my capacity as a jealous custodian of the territorial integrity of the State—a guardian who, even if he does not augment that territory, can never think of diminishing it—the Holy Father went to meet me even beyond my desires; and since it would have been a little grotesque that the façade of a building should be placed on the boundary of a state, he renounced the entire building and its annexes and transferred it to the category of the other buildings which enjoy merely diplomatic immunity.

Considering that the Palace of the Holy Office was an integral part of that Vatican enclave over which the Italian Government had never attempted to assert their jurisdiction, either on or after the 21st September, 1870,[2] and which 'no force in the world and no revolution could have taken from' the Papacy,[3] this concession, at the eleventh hour, to 'the superstition of territorial integrity'[4] revealed once more the clearness of Pope Pius XI's intellect and the broadness of his mind.

Herewith, the last stumbling-block in the way of a settlement was removed; and the three instruments embodying the systematization of the relations between the Holy See and the Kingdom of Italy—a treaty, a financial convention, and a concordat—were duly signed on the 11th February, 1929, in the Papal Palace of the Lateran—a group of buildings which was recognized in the treaty (Arts. 13 and 15) as being Italian territory under the sovereignty of the Italian State, but also as being Papal property enjoying the immunities recognized by international law as belonging to the seats of foreign diplomatic missions.

Since the full texts of all these three instruments are printed in the accompanying volume of documents,[5] there is no need to analyse them here.

With regard to the treaty it is sufficient to say that, in exchange for a declaration by the Holy See that 'the Roman Question' had been settled and eliminated definitively and irrevocably, and for the recognition by the Holy See of the Kingdom of Italy under the Dynasty of the House of Savoy, with Rome as the capital of the

[1] *Op. cit.*
[2] Statement by Signor Mussolini, referred to on p. 460 above.
[3] Statement by Signor Mussolini, referred to on p. 460 above.
[4] For this phrase in the Pope's address of the 11th February, 1929, see p. 449 above.
[5] *Documents on International Affairs, 1929.*

Italian State, Italy on her part recognized the territorial sovereignty of the Pope, with all the attributes and powers and privileges that territorial sovereignty implied, over a state to be entitled 'the City of the Vatican'.

The concrete effect of these reciprocal recognitions was as follows: instead of the Pope exercising the powers of sovereignty *de facto* over three enclaves in Italian territory—the Vatican, the Lateran, and Castel Gandolfo—over which the Italian Government had never either reaffirmed their recognition of Papal sovereignty nor asserted their own jurisdiction since their occupation of the surrounding territory in 1870, the Papal sovereignty was henceforth not only to be exercised *de facto* by the Pope but to be recognized *de jure* by Italy over the Vatican enclave within a frontier which did not coincide altogether with the 'armistice-line' of the 21st September, 1870.[1] Over the two other enclaves, Italian sovereignty was henceforth to be recognized *de jure* by the Holy See; but they were to be Papal property enjoying diplomatic immunities; and the same status was to be conferred upon ten other sites in Italian territory.[2]

It may also be mentioned that, in regard to the sovereignty of which the Holy See stood possessed, in virtue of the treaty, in the international field, the Holy See declared (Art. 24) that it wished to remain and would remain aloof from all temporal competitions between the other states [of the world] and from international congresses convened for such a purpose, unless the contending parties were to make a joint appeal to the Holy See's mission of peace.[3] (In

[1] The main topographical differences were that the City of the Vatican did not include the Palace of the Holy Office which had remained on the Papal side of the 'armistice-line' of the 21st September, 1870 (see p. 426 above), but did include (i) an area of larger extent (bounded roughly by the south wall of the Vatican Palace Gardens, the western faces of St. Peter's and the Baptistry of St. Peter's, and the city wall) which had been brought under Italian jurisdiction by the 'armistice-line' of the 21st September, 1870, together with (ii) the Piazza di San Pietro (which the Pope was to be at liberty to close temporarily to the public, though normally it was to be open to the public and to be policed by the Italian authorities).

[2] Including the Palace of the Holy Office and a considerable area on the Janiculum, inside the walls, extending southward from the south side of the colonnade surrounding the Piazza di San Pietro and from the east side of the Piazza del Santo Ufficio.

[3] This was interpreted to mean that the Holy See did not intend to apply for admission to membership of the League of Nations. In the course of the negotiations, the question seems to have been discussed and to have been put aside, after consideration, on two grounds: first, because the Holy See was unwilling to run the risk of seeing an application on its part refused or accepted by only a small majority of votes; second, because membership of the League implied military obligations. (This second difficulty was not insuperable, since these obligations had been waived already in the case of one State Member

every event, the Holy See reserved its right to bring its moral and spiritual power to bear.) In consequence of this, the City of the Vatican was always and in every event to be regarded as a neutral and inviolable territory.

In the financial convention, Italy undertook, upon exchange of ratifications of the treaty, to pay to the Holy See the sum of 750,000,000 Italian lire and to hand over to it simultaneously Italian 5 per cent. consols to the nominal value of 1,000,000,000 lire.[1] The Holy See declared that it accepted this amount as a definitive systematization of its financial relations with Italy in connexion with the events of 1870.

It will be observed that while this convention invested the Holy See with a capital endowment, the income from this endowment would depend on the financial fortunes of the Italian State unless and until the Vatican gradually converted into other values the Italian money and Italian bonds in which this capital was to be made over to it.[2]

The concordat was a comprehensive bilateral agreement covering all the vexed points of ecclesiastical law and life which, in the Kingdom of Sardinia-Italy, had been dealt with unilaterally by laws of the State since 1850.

In the matter of the appointment of archbishops and bishops and of parish priests, the concordat recognized that the patronage lay with the ecclesiastical authorities; but it provided that the latter should not appoint any candidate definitively until they had held private consultations on the subject with the authorities of the Italian State. In the case of appointments of parish priests, if these private consultations did not result in agreement, the two parties

Switzerland.) An earlier declaration by the Papal Secretariat of State (No. 21837 of the 11th August, 1923), in reply to a question whether the Vatican would consider having diplomatic relations with the Council of the League, had laid it down that 'The project could be accepted only in the sense that the Holy See would be at the disposal of the League for matters coming within its proper sphere: that is to say, for the elucidation of questions of principle in regard to morality and public international law, and also to give help to the League's relief work where its [the Holy See's] intervention would be of value to suffering peoples'. There appears to be nothing in the treaty that would preclude such eventual co-operation with the League.

[1] In the preamble to the convention, it was put on record that this amounted to much less than what the Italian State would have had to pay to the Holy See up to date if the Holy See had been willing to take advantage of the financial provisions of the Law of Guarantees.

[2] On the 13th May, 1929, Signor Mussolini informed the Italian Chamber that the Holy See had undertaken only to draw the 750,000,000 lire cash gradually, and that it had given certain assurances regarding the use that it would make of the 1,000,000,000 lire of Italian consols.

were each to appoint two representatives, and the four representatives were to come to a definitive decision. There was no corresponding provision in the case of appointments of archbishops and bishops. On the other hand, bishops were not to take possession of their dioceses before they had taken a prescribed oath of loyalty to the Italian State.

The *exsequatur* and *placet* and the patronage of the Crown were abolished.

In the matter of ecclesiastical property, the fundamental provisions of the Italian legislation of 1866–7[1] were left as they were. Indeed, the Holy See undertook to grant full condonation to those who, in consequence of this legislation, found themselves in possession of ecclesiastical properties. At the same time, it was provided that, on the councils which had been set up, by the above-mentioned legislation, for the administration of ecclesiastical property, half the members should be nominated by the ecclesiastical authorities. Moreover, the concordat abolished all the deductions or taxes which had been imposed by this and by subsequent legislation upon the ecclesiastical properties which the State had taken over.

Ecclesiastical institutions and religious associations were to be allowed to manage their own property, without being obliged to convert real property into other values; but here the State was not to relinquish its control altogether.

Religious instruction was to be extended from the elementary national schools to the middle schools.

The Italian State agreed that the sacrament of marriage, performed in accordance with the Canon Law, should have civil effect.

The concordat also dealt with certain matters that had been in controversy between the Holy See and the Italian State while the negotiations of 1926–9 had been in progress. It provided, for example, that the time-tables of the Balilla and Avanguardisti organizations should be so arranged as not to interfere with the rendering of religious instruction and assistance to the children enrolled in them. Again, the Italian State recognized the organizations belonging to the *Azione Cattolica Italiana*, in so far as these developed their activities apart from any political party and under the immediate control of the hierarchy of the Church for the diffusion and realization of Catholic principles. The Holy See took occasion[2] to renew to all ecclesiastics and members of monastic orders in Italy the prohibition against their enrolling themselves in or campaigning on behalf of any political party whatsoever.

[1] See p. 435 above.

[2] See p. 442 above.

There were also two provisions in the Italo-Papal concordat of the 11th February, 1929, which at least indirectly affected third parties.

It was understood that the Holy See would establish a diocese of Zara; that no part of the territory subject to the sovereignty of the Kingdom of Italy was to be under the authority of a bishop whose see lay in territory subject to the authority of another state; and that no diocese of the Italian Kingdom was to comprise any zones of territory subject to the sovereignty of another state. The same principle was to apply to parishes.

Again, ecclesiastics who were not Italian citizens were to be ineligible for investiture with benefices in Italy; and the incumbents of dioceses and parishes in Italy were to be Italian-speaking persons. If necessary, they were to be given coadjutors who, in addition to Italian, could also understand and speak the language locally in use. In this last provision, the Pope had succeeded in securing an alleviation in the lot of the German, Slovene, and Serbo-Croat populations in former Austrian territories that had been annexed to Italy in the peace-settlement after the General War of 1914–18.

(c) The Execution of the Lateran Agreements (1929).

The announcement of the signature of the three Italo-Papal agreements at the Lateran Palace at mid-day on the 11th February, 1929, was immediately folllowed by spontaneous public demonstrations of enthusiasm in Rome which had had no parallel in this or any other city since the demonstrations that had followed the announcement of the Armistice on the 11th November, 1918. The Piazza di San Pietro and the Piazza Rusticucci were filled by a vast crowd, which would not disperse until the Pope had appeared on a balcony of the Vatican Palace and given them his blessing; and later in the day a similar demonstration was made in front of the Quirinal Palace in honour of the King. The cause of this public rejoicing was not obscure. The majority of the inhabitants of Rome and of Italy were bound by ties of sentiment both as Roman Catholics to the Holy See and as Italians to the Italian National State; and ever since Pope Pius IX had turned against the Italian Risorgimento in the revolutionary year 1849, Italian Catholics had been tormented by a conflict of loyalties which it had been beyond their power to resolve. They hailed the announcement of the Lateran Agreements as glad tidings of great joy because they believed that this painful and apparently interminable conflict in their souls had now suddenly been brought to a happy end. As Italians, they remembered that the Holy See had

made itself the vehicle of a rudimentary Italian nationalism—in reaction from the Babylonish Captivity at Avignon and from the international intervention at Constance[1]—long before the spirit of the French Revolution had breathed upon the dry bones of Italy and produced the miracle of the Risorgimento. As Catholics, they hoped that the Holy See would be strengthened by a reconciliation with one of the seven surviving Great Powers of the world—a Power which, under the Fascist régime, had been asserting its position and vaunting its destiny. This sense of a conflict resolved was sympathetically apprehended and finely expressed by the Pope himself in an address which he delivered to the diplomatic body at his Court on the 9th March, 1929:

> A whole vista, a whole great region reveals itself: the region of consciences, the vista of religious pacification. This is the most sublime point of view and one that is infinitely more worthy of consideration than the civil pacification of a country—though that in itself and by itself is a great and inestimable treasure. This thought leads Us back once again to the beautiful and beloved mountains of Our youth. One must mount in order to gain the most magnificent points of view; one must scale the peak. On those heights the gracious valleys, the picturesque cottages, the pensive campaniles fade out of sight. The vision becomes infinitely wider and more sublime.

This was, indeed, a lofty vision—though lower, far, than that vision of a kingdom not of this world which had been beheld and revealed by Christ the King. Yet this lofty vision of loyalties reconciled and consciences set at rest, which floated before the minds of Pope and people on the 11th February, 1929, had to be tested by time and put to the proof of events. At the time of writing, it was not yet possible to determine, by that test, whether it were a true vision or a mirage; but a detached observer of this great transaction, in which Achille Ratti and Benito Mussolini were playing for the souls of so many millions of their fellow men, could not be deaf to Christ's warning: 'No man can serve two masters.'

It remains to record the steps by which the three agreements of the 11th February, 1929, were put into force, and the fresh controversy which arose between the Vicar of Christ and the Capo del

[1] After the Papal restoration at Rome in the fifteenth century, the Holy See was gradually Italianized, until it became a fixed principle of its policy to maintain a preponderance of Italians in the College of Cardinals, with the corollary that thenceforward no non-Italian Cardinal had any prospect of being elected to the Papal throne. It is noteworthy that the Holy See did not discard this rudiment of Italian nationalism when, from 1848 onwards, Papal policy came into collision with the Italian Risorgimento.

Governo of the Kingdom of Italy, almost before the ink of the signatures was dry.

On the Italian side, the Bill covering the agreements and their annexes—together with two other Bills dealing respectively with the law of marriage and with the law of property of ecclesiastical bodies—was passed by the Chamber on the 14th May, 1929, and by the Senate on the 25th. Ratifications of the diplomatic instruments were exchanged by Cardinal Gasparri and Signor Mussolini at 11.0 a.m. on the 7th June. On the 25th June, the first Italian Ambassador to the Papal Court presented his credentials at the Vatican; and on the 5th July the first Papal Nuntius to the Italian Court presented his credentials at the Quirinal. A Vaticano-Italian postal convention was signed on the 30th July, 1929, and the postal service of the Vatican came into operation on the 1st August. A Vaticano-Italian telegraphic convention was signed on the 18th November. The King and Queen of Italy paid their first visit to the Pope on the 5th December (the Governor of the City of the Vatican meeting them at the frontier to greet them in his sovereign's name, and the Papal forces receiving them with military honours). The Pope set foot on Italian territory, for the first time since the Kingdom of Italy had existed, on the 20th December, 1929, when he passed the frontier in order to visit the Lateran.

The territory of the new state had been taken over formally by the Papal Gendarmes and the Swiss Guards at noon on the 7th June, 1929, an hour after the ratifications of the treaty of the 11th February had been exchanged; and at the same moment the Portone di Bronzo of the Vatican Palace, confronting the Piazza di San Pietro, which had been kept half closed since the 20th September, 1870, was flung wide open.

The administrative organization of the City of the Vatican was promptly taken in hand. At the beginning of March, the Cardinal Secretary of State had posted a proclamation announcing that the list of residents in the City of the Vatican, within its new boundaries, was to be reviewed, and that those who did not receive '*ex novo* express permission' to remain, 'in accordance with the needs of the State', would be required to leave the territory as soon as possible. Persons inscribed in the new register would be allowed to have in residence with them their ascendants and descendants and also collaterals without families of their own. A first census, published in October 1929, showed that the number of persons legally domiciled in the territory of the City of the Vatican by permission of the authorities was 518. By the treaty of the 11th February, 1929 (Art. 9), the

residents in the territory and the persons subject to the sovereignty of the Holy See were identical.[1]

In the Fundamental Law of the City of the Vatican, it was laid down that citizenship of the Vatican State should be possessed, first, by Cardinals resident either in the City of the Vatican or in Rome; secondly by persons domiciled in the City of the Vatican on account of some dignity, office, or employment, when such residence was prescribed by law or regulation; and thirdly by any other persons who received special permission from the Pope to reside in the City. Vatican citizenship was also conferred on the wives, children, ascendants, brothers and sisters of Vatican citizens. Vatican citizenship was to be lost by Cardinals if they ceased to reside either in the City of the Vatican or in Rome, and by other persons if they ceased to reside in the City of the Vatican, and also by any persons who ceased to hold the dignity, office, employment, or special permission through which their citizenship had been acquired originally.

The Fundamental Law of the City of the Vatican came into force on the 10th June, 1929. The political constitution did not conform to either of the two principal types that were current in the contemporary world—that is, the responsible parliamentary representative constitution exemplified in France, the United States, Great Britain and the other self-governing members of the British Commonwealth of Nations, and the authoritarian single-party oligarchical constitution exemplified in Italy, Turkey, China, and the U.S.S.R. It was a pure absolutism of the type which had been prevalent in the city-states of Italy from the thirteenth to the fifteenth centuries of the Christian era and in the Western World as a whole from the close of the Middle Ages until the French Revolution. In the first article of the Vatican Fundamental Law it was laid down that

> The Supreme Pontiff, Sovereign of the State of the City of the Vatican, possesses the plenitude of legislative, executive, and judicial powers. When the Holy See is vacant, the same powers belong to the Sacred College [of Cardinals], though the latter may promulgate legal dispositions only in case of urgency.

The authors of the Fundamental Law saved the Papal Government at one stroke from the necessity of enacting comprehensive positive

[1] Of these 518 citizens of the City of the Vatican, only two were citizens by birth (i.e. had been born since the state had come into existence on the 7th June, 1929). The remaining 516 were citizens by naturalization (which followed automatically from legal residence); and these were drawn from nationals of eleven different states, namely Italy (389), Switzerland (113), France (11), Germany (5), Spain (2), and the United States, Norway, the Netherlands, Belgium, Austria, Abyssinia (one each).

legislation and from the possibility of a discrepancy of laws producing friction with the Government of the sole *état limitrophe* by the common-sense provision that, in matters not provided for by the sources of Canon Law, Apostolic Constitutions, etcetera, there should be observed in the City of the Vatican—unless and until otherwise provided—the laws promulgated by the Kingdom of Italy, together with the general regulations of the Kingdom and the local regulations of the Province and Governorate of Rome—subject always to the said laws and regulations not being contrary to the precepts of Divine Law, to the general principles of the Canon Law and to the dispositions of the Lateran Agreements. The existing penal code of the Kingdom of Italy was to be applied in the City of the Vatican under the same reservations. The enactment of a commercial code was obviated by a similar legal device, and further by the provisions of a separate law on economic, commercial, and professional organization, to the effect that 'the acquisition of goods or foodstuffs of whatever nature or origin for sale, as well as their sale, is reserved as a monopoly of the State'; and that 'no person may open shops, businesses, or factories, even for the exercise of a simple craft, nor establish industrial or commercial enterprises of any kind, or open offices, agencies, or premises for the exercise of any profession whatsoever, without the authorization of the Governor.' At first glance it may seem strange to see the legislation of the Pontifical State conforming in these matters to that of the U.S.S.R. The motive, of course, was not any theoretical belief in the doctrines of Karl Marx, but a practical concern to prevent the 44 hectares of the City of the Vatican from being utilized by smugglers as a base of operations for circumventing the customs regulations of a friendly Power, to wit, the sole *état limitrophe*.[1]

The maintenance of friendly relations between the two states in the field of mundane affairs was all the more important inasmuch as in the spiritual sphere their relations were already becoming strained.

It has been mentioned that the Italian State, in order to bring its legislation into conformity with the Lateran Agreements, proceeded to enact two laws—dealing respectively with marriage and with the property of ecclesiastical bodies. Simultaneously, it completed the adaptation of its legislation to the new state of affairs, arising from the

[1] A study of the contemporary history of liquor-smuggling into the United States or of opium-smuggling into China (for which a base of operations was reported to have been established in the French Settlement at Shanghai) shows how easily this unfortunate result might have followed from the creation of the state of the City of the Vatican if the Pontifical Government had not taken prompt and drastic measures to forestall the danger.

Lateran Agreements, by enacting a third law which was eminently reasonable and indeed virtually indispensable from its own point of view but which was less agreeable to the Holy See. This was a law 'admitting' (and not merely 'tolerating' in the terms of the Constitution of 1848) non-Catholic cults, provided that they did not profess principles or practise rites which were contrary to public order and morality. Difference of cult was to be no bar to the enjoyment of civil and political rights or to employment in the civil or military service of the State. Discussion of religious questions was to be completely free. Parents and guardians were given the right to ask that their children should be dispensed from attending the courses of religious instruction in the national schools. Marriages celebrated by approved ministers of such cults were to have the same effect, under certain prescribed conditions, as civil marriages.

The enactment of this law was not an unfriendly act on Italy's part towards the Holy See. From the standpoint of any civilized Western state of the time such a law was the necessary complement to the legislation flowing directly from a concordat conceived in the terms of the Italo-Papal concordat of the 11th February, 1929. From the standpoint of the Holy See, however, the State guarantee of freedom for religious discussion and the substitution of 'admission' for mere 'toleration' of non-Catholic cults might appear to lessen the value of the reaffirmation (made in Article 1 of the treaty) that the Roman Catholic Faith was the sole religion of the Italian State; and similarly the conferment of legal validity upon non-Catholic religious marriages might appear to diminish the significance of the reconferment of legal validity upon the Roman Catholic marriage sacrament.

Again, while legal validity had been reconferred upon the Roman Catholic marriage sacrament both by the concordat and by the consequent Italian law, neither the concordat nor this law had laid down that an Italian subject who was a member of the Roman Catholic Church was bound to choose the religious instead of the civil ceremony. The Church, however, took steps to this end. Early in July 1929, the Congregation of the Sacrament circulated instructions to the parish priests of Italy to the effect that all Catholics seeking to contract a marriage must receive the religious sacrament alone, and that if they submitted themselves to the civil ceremony they would be regarded as public sinners according to the canons of the Church.

All these points were touched upon by the Pope himself either in a speech which he delivered on the 14th May, 1929, to a deputation from the Jesuit College of Mondragone or in a letter which he addressed on

the 30th May to Cardinal Gasparri. The speech was a reply to a speech which had been delivered on the 13th May—à propos of the Lateran Agreements and the consequent Italian draft laws—by Signor Mussolini in the Italian Chamber. The letter was a reply to a second speech which Signor Mussolini had delivered on the 25th May, this time in the Senate. These polemical declarations of faith brought to light a conflict of claims in the sphere of spiritual authority which was a strange commentary upon the recent 'systematization of relations' between the two Powers in the political, financial, and ecclesiastical domains. Once again, the dispute turned upon the education of Catholic Italian children.

> We have had the good fortune [Signor Mussolini informed the Chamber on the 13th May, 1929] to have to deal with a truly Italian Pontiff. . . . He is the head of all Catholics; his position is supra-national. But he was born in Italy, on Lombard soil. . . . He . . . knows that the Fascist régime is a régime of force, but that it is loyal—that it gives what it gives and no more, and gives it with precision, with frankness, without subterfuges; he knows that we have questions in which we are intransigent like him. If, throughout the year 1927, the negotiations stagnated and there was 'nothing doing' beyond the maintenance of personal contacts, that was due to the dissension which arose over the education of the younger generation—the question of the Catholic boy scouts, the solution of which you know.
>
> Another régime, not ours—a demo-liberal régime, a régime of the type which we despise—may think it a good thing to renounce the education of the younger generation. We, no!
>
> In this field we are intractable. Our duty is to teach. It is right that these children should be educated in our religious faith; but it is necessary for us to complete this education, it is necessary for us to give these young men a sense of virility, of power, of conquest; above all, it is necessary for us to inspire them with our faith and to fire them with our hopes.

This was a challenge; and the Pope took it as such when he replied next day. Finding himself face to face with the dragon of Nationalism, breathing fire and slaughter, he hoisted the standard of humanity and common sense, and summoned the family to join the Church in preserving the threatened balance of spiritual power:

> The mission of education belongs before all and in the first place to the Church and the family; to the Church and the fathers and mothers. It is theirs by natural and divine right and therefore immutably and inevitably. The State certainly cannot and must not neglect the education of citizens, but it should only help the individual and the family in that which they could not do alone. The State is not made to absorb, engulf, and annihilate the individual and the family; this would be both absurd and unnatural, seeing that the family is pre-existent to Society and to the State. The State therefore cannot neglect education but must

contribute what is necessary to help, complete, and co-operate with the work of the family, to correspond fully to the wishes of the father and mother, above all to respect the divine right of the Church. . . .

It is not for Us to say that it is necessary, suitable, or opportune for the State to complete its educational work by breeding up conquerors, by training a race for conquest. What is done in one state might be done throughout the world. And what would happen if all states trained up conquerors? This would not lead to universal peace but rather to a general conflagration. Unless the real meaning was . . . that the State intends to train children for the conquest of truth and virtue, in which case We should readily agree to it. But We cannot agree to anything that may restrict, diminish, or deny that right given by God and Nature to the family and the Church in the field of education. On this point We do not wish to call Ourselves intractable, since intractability is no virtue, but only intransigent. . . . Were it a question of saving souls, of warding off greater spiritual dangers, We would not shrink from bargaining with the devil in person. It was indeed to ward off a greater evil, as is well known, that We have at times bargained while the fate of Our beloved Catholic scouts was being decided. We have made sacrifices to avoid greater evils, but We have recorded all the grief we felt at being constrained to do so. . . . We have spoken to you of principles and rights that are beyond discussion. We must add that We have no material means of maintaining this intransigence. Nor, on the other hand, does this displease Us, for truth and right need no material aid, their own power being irrefutable, inviolable and invincible.

Thus Achille Ratti—confronted, on the morrow of the signature of peace, with the prospect of an imminent renewal of war—instinctively put off the panoply of territorial sovereignty in order to put on the unearthly armour of Christ the King.[1] The gesture was disconcerting to Benito Mussolini; and, unable to respond in kind, he could only retort by showing his teeth.

Does our Fascist régime [he declaimed on the 25th May in the Senate] carry with it a ferocious monopoly of instruction? No. Must we really remind the forgetful that it was under the Fascist régime that the first Italian Catholic university was opened and recognized?

There is, however, a side of education in which we are—'intransigent', if objection is taken to the word 'intractable'. In being so, we are simply descending from the academic plane and facing the realities of life.

To say that instruction is the business of the family is to say something that is remote from the realities of the contemporary world. The modern family, assailed by necessities of an economic order and battered daily by the struggle for life, cannot provide instruction for anybody. Only the State, with its multiplicity of means, can perform this task. I would add that only the State can impart the necessary religious instruction

[1] Perhaps he remembered that when his pagan namesake, the son of Peleus, had conquered Hector in the panoply wrought by Hephaestus, this had been the hero's last victory. The glittering works of Hephaestus's art did not guard Achilles's heel against Paris's arrow.

likewise, by combining it with the general body of educational subjects to form a complete whole. What then is the education to which we lay claim in totalitarian terms? It is the education of the citizen. . . .

That could be renounced if the same renunciation were made by everybody else. If the contemporary world were not the world of ferocious wolves which we know it to be (wolves none the less when they happen to wear top-hats and those funereal frock-coats), then we could renounce this education of ours to which, as we dislike hypocrisy, we will now give a name: education for war.

Do not be shocked by my words. For in Italy this virile and warlike education is a necessity. . . . We cannot give way to the hallucinations of universalism, which I can understand in nations that have arrived but which I cannot admit in nations that have still to attain their goal.

It would hardly be profitable to follow the duel farther through the Pope's letter of the 30th May, 1929, to Cardinal Gasparri;[1] the Duce's address to the local chiefs of the Fascist Party in Milan on the 10th July; the Pope's speech to Italian archbishops and bishops who took part in a Eucharistic procession on the 25th July, 1929,[2] the Duce's speech of the 14th September, 1929, in which he said that 9,000 sentinels were watching throughout Italy to report upon the attitude of the Catholic community towards the Fascist régime; the Pope's retorts to this threat when he was addressing 13,000 members of the Catholic Young Men's Association on the 15th September, 1929, and was giving audience to the ecclesiastical assistants of the Italian *Azione Cattolica* on the 17th. The duel had not come to an end at the close of the calendar year; for another polemic was delivered by the Pope on Christmas Eve.

'Durerà la pace?' An Italian Senator had asked when the Lateran

[1] In this letter the Pope declared that the treaty and the concordat of the 11th February, 1929, would stand or fall together and insisted, in more emphatic terms than before, upon his own absolute sovereignty:

'It is always the Supreme Pontiff who intervenes and negotiates in the fullness of the sovereignty of the Catholic Church which he, strictly speaking, does not represent but impersonates and exercises by direct divine mandate. It is not, therefore, the Catholic organization in Italy which subjects itself to the State even under specially favourable conditions, but it is the Supreme Pontiff, the final and sovereign Authority of the Church, who orders that which he considers possible and needful. . . .

'The treaty and concordat, by their letter and spirit, and also by explicit understandings both written and oral, complete one another and are inseparable and indivisible. Therefore *simul stabunt* or *simul cadent*, even if the Vatican City and the state connected with it should fall in consequence. For our part, with divine help: *impavidum ferient ruinae*.'

[2] In this speech, the Pope announced that he had just received, from a distinguished international lawyer, a considered opinion to the effect that there was 'an essential indissolubility' between the treaty and the concordat of the 11th February, 1929.

Agreements were under consideration; and in the Senate, on the 25th May, Signor Mussolini had answered: 'La pace durerà'. Yet before the year was out the Head of the Government of the Kingdom of Italy and the Sovereign of the State of the City of the Vatican were already marshalling their legions. Was the Seventy Years' War between the Holy See and the Kingdom of Sardinia-Italy, which had been brought to an end on the 7th June, 1929, on the point of breaking out again? The answer to this political question of the relations between two Great Powers depended on the answer to a spiritual question which was being debated in one man's soul; and this man was not Benito Mussolini but Achille Ratti. Which of the two sovereignties in his choice would the Vicar of Christ finally choose? If he committed himself to territorial sovereignty 'definitively and irrevocably', it was safe to prophesy that the peace would last on whatever terms Benito Mussolini decided to impose; for on this field the disparity of force between the opposing Powers was too great for the Sovereign of the City of the Vatican ever in the last resort to hazard an ordeal by battle. In that event, the Duce's boast that the Lateran Agreements had not resuscitated but buried the Temporal Power would have been short of the mark. It would have been truer to say that, in resuscitating the Temporal Power, the Lateran Agreements had buried the spiritual authority of the Holy See. Yet there was still a possibility that the Duce's words had been ominous in a sense which he had not intended and which the Pope would not have desired. It was possible that the Pope might be saved from the Temporal Power in spite of himself by *force majeure*. On the 20th–21st September, 1870, this unwelcome salvation had overtaken Pius IX; and certain utterances that fell from the lips of Pius XI in the polemics that followed the 11th February, 1929, suggested that he, too, like the Apostle in whose seat he sat, might be borne by others whither he would not go. In this event, no one could prophesy that the peace of the Lateran would last; and two things only could be foreseen. First, if war were to break out again, under these conditions, it would be fought this time neither with artillery nor with excommunications nor with conventions nor with concordats, but with the weapons of organized authoritarian education—engines more formidable by far than 'pocket-battleships' or eight-inch-gun cruisers. Second, if this battle were joined, the stakes of victory would be something more than the destinies of the City of the Vatican and the Kingdom of Italy—more even than the destiny of the Roman Catholic Church throughout the world. The stakes would be the destiny of Mankind; for this battle might well decide how long the

idol of territorial sovereignty, set up by Western Civilization in these latter days, was to ride like Juggernaut over human bodies and souls.

NOTE.

The Fascist point of view regarding the transactions recorded in this chapter is given in the following communication from an Italian correspondent of high authority to whom the chapter was submitted by the writer before it was sent to press:

I have read your chapter on the Lateran Pacts, which is, on the whole, a sufficiently accurate exposition of the facts. The comments are interesting, but I cannot, of course, agree with them.

If one remembers the Fascist theory of the State as the greatest juridical organism disciplining and controlling all the activities of the nation, and the definite and open revaluation of the moral factors governing the lives of citizens, it is easy to explain the history of the agreement between the Papacy and the Fascist Party, which is, after all, the whole of Italy.

The bases of the agreement do not exist and cannot be sought for elsewhere. Incomplete and inexact information alone gives rise to the superficial judgement that Fascism turns the State into a sort of political divinity, and that it is impossible for two religions to find room in one soul. The truth is, however, that Fascism has shown that the conscience of the citizen may be reconciled with that of the believer, the service of one's country with that of God. Thus it is belittling the scope of the pact (which has a far wider importance) to attribute it to an intention of eliminating collision between two authoritarian systems, of setting up a single front against Liberalism and Free Masonry, or of eliminating the *Partito Popolare*. These may be incidental, or at most, secondary causes, tactical operations indispensable for a higher aim, which is harmonious collaboration for the better government of peoples.

This is the real object of the agreement, that of interest to the historian. Desire for personal success, precautions against a Liberal revolution, the neutralization of French religious policy in the East—these may be the subject of newspaper articles, of a kind more or less worthy of attention, or of political comment more or less well-founded; they are not the material of history.

(ii) Relations between the Papacy and France (1920–30).

At the outbreak of the General War of 1914–18, the French Republic was a 'lay state' (*état laïque*) in which the dominant attitude of public opinion towards the Roman Catholic Church was 'anti-clericalism'. In 1930, the '*lois de laicité*' which had been passed in 1901–5 were still intact; yet the relations between the French Government and the Holy See and between State and Church in France itself were markedly less unfriendly by this time than they had been a quarter of a century earlier. The chief landmark in this change was the restoration of diplomatic relations between France

and the Vatican in 1920, on the morrow of the peace settlement, after an interruption which had lasted since 1904;[1] but the forces working in favour of reconciliation had begun to come into play before 1920 and they continued to operate thereafter.

The movement of opinion which expressed itself in the legislation of 1901–5 was a belated pulsation of the French Revolution. The 'anti-religious' movement in the Revolution, running into excess during the Terror, had brought upon itself an inevitable reaction under the Napoleonic régime; and the monument of this reaction—namely, the Law of the 18th Germinal of the Year X of the Republic, in execution of the concordat of the 26th Messidor of the Year IX—had survived for a hundred years, mainly owing to the progressive enfranchisement of those classes in French society which were the strongholds of Catholicism in France. It had not, however, survived unchallenged. The latent 'anti-religious' movement which had been dammed back in 1801 was restive throughout the nineteenth century, and sooner or later it was bound to discharge itself. This was the real significance of the legislation of 1901–5, though the actual date at which it was passed may have been decided by factors of transient importance such as the Affaire Dreyfus.

The *lois de laicité* of 1901–5 had hardly been enacted when Catholicism began to recover ground.

A negative cause of this turn in the tide was the very triumph of 'anti-clericalism' upon which this legislation had set the seal. The victory had been so decisive as to leave the victors with little incentive to press their offensive home so long as their defeated opponents did not attempt to recover any part of the field from which they had been driven. In other words, French Catholics, after 1905, were not molested in any activities which the *lois de laicité* left open to them—though any attempt to call those laws in question always aroused a formidable opposition which indicated that, if 'Clericalism' and 'Laicism' were to fight a pitched battle again on the old ground, 'Laicism' would once more win the day.

The positive causes of the recovery of Catholicism in France during the first three decades of the twentieth century were twofold, and these causes had deeper roots in French history. For several generations before the date of the Affaire Dreyfus, Catholicism had been

[1] The chief cause of the breaking-off of diplomatic relations between France and the Vatican in 1904 had been the 'laicizing' legislation which the French Government and Parliament were then carrying through. A subsidiary cause was an incident in the feud between the Holy See and the Kingdom of Italy. See Section (i) of this part of the present volume, (footnote on p. 427).

acquiring a new value in French eyes, partly for its own sake and partly as a means to sectional and national ends; and about the time when the conflict of 1901–5 came to a close, this growing regard for Catholicism came to the surface.

The enactment of the legislation of 1901–5 revealed the limits of what could be accomplished by legislation and reminded Frenchmen that there was a deeper plane of social life on which it might not be easy to eradicate Catholicism from the soil of France and not even desirable to make the attempt, because on this plane Catholicism was an essential element in the French cultural heritage. This feeling was strengthened by the *union sacrée* of 1914–18, when the *lois de laicité* were laxly administered and when the *curé*, serving his country and risking his life among his parishioners as an *aumônier*, or even as a combatant, at the front, had become a popular figure. On the whole, this renewed appreciation of Catholicism for its own sake was perhaps the most important single cause of the recovery of ground in France by the Catholic Church during the years in question.

At the same time, a tendency to cultivate Catholicism as a means to an end became discernible among the French bourgeoisie as a class and among a wider circle of Frenchmen who were concerned with the national purpose of preserving and strengthening the position of France in the world.

The cultivation of Catholicism among the French bourgeoisie was one element in a deliberate, self-conscious, and remarkably systematic effort to maintain the position of this class in the national life against encroachments and assaults from the industrial workers. Catholicism commended itself as a means to this end because it was a deeply-rooted and widely ramifying conservative institution which had committed itself to a condemnation of socialism.[1]

[1] The history of this *rapprochement* of the French bourgeoisie towards the Catholic Church is sketched, in a private letter from a French correspondent to the writer of this *Survey*, in the following terms:

'In my opinion, the renaissance of French Catholicism is closely bound up with the evolution of the French bourgeoisie itself. In 1848 the bourgeois took fright at the Revolution. Until then they had been, at bottom, Voltairians (though this did not prevent them from holding that "religion is wanted for the people"). Towards 1848 they began to say to themselves: "The *curé* is the best support of the *gendarme*." Thus they tended to become Catholics out of social apprehension; but these were Catholics without conviction. Their children, brought up in the Church, accepted the Catholic religion in another spirit towards the end of the century. The younger generation was suffering from the excessive individualism of the age; it sought in the Church a moral armour against anarchy. This Catholicism was of a higher kind, but it was not yet really religious; it was a political Catholicism to a large extent. On the eve of the War (that is, since about 1907) a new phase set in. The younger people,

The cultivation of Catholicism as a means to French national ends had two concrete objectives: to facilitate the reincorporation in the French body-politic of those 'dis-annexed' departments which for half a century had been constrained to live as a German *Reichsland*; and to prevent Italy from inheriting the traditional role of France as the protectress of the Roman Catholic Church in the Near and Far East.

The departments which had been 'dis-annexed' through the Armistice of the 11th November, 1918, and the subsequent Peace Treaty of Versailles had never ceased to live under the concordat of the Year IX of the French Republic, under which the whole of France had been living at the moment when these departments were forcibly separated from her in 1871. The Government of the German Empire, in agreement with the Vatican, had enacted a law on the 9th June, 1871, by which the existing legal situation of the Roman Catholic Church in the annexed territory was maintained. The annexed departments had, of course, remained legally unaffected by the French legislation of 1901–5; and, what was more, their inhabitants had remained aloof from those movements and clashes of opinion in France, within the frontiers of 1871–1918, of which that legislation had been the outcome. Nor was the local situation which had survived the annexation of 1871 brought to an end by the 'dis-annexation' of 1918; for, notwithstanding the thesis which was implied in the term 'dis-annexation', the French Government recognized that the France from which the 'dis-annexed' departments had been separated was not the France of 1918 but the France of 1871; and accordingly they did not allow the French Republican tradition of national uniformity and centralization to lead them into the error of applying automatically and abruptly to the 'dis-annexed' departments the French régime of the day. Instead, they wisely placed the 'dis-annexed' departments under a *Commissariat-Général*, assisted by provisional local representative bodies, with a view to working out empirically, and at leisure, precisely how far, and how fast, the reassimilation of these departments to the rest of France was to be carried. Pending the local application of existing French legislation, it was provided that the existing local régime in regard to religious bodies, in particular, should remain in force; and when the *Conseil d'État* was consulted on the latter point by Monsieur Herriot's

tired of pure intellectualism, found vent in action, in sport. They felt the approach of the War and prepared themselves for meeting it. Their Catholicism took the form of an affirmation of faith, of action, of devotion to their country. But this phase was not the last. Since then, there has been a new turn. A whole section of the younger generation of Catholics has become democratic and pacifist.'

Government in 1924, it rendered an opinion to the effect that, in the three departments in question, the régime of the concordat, as embodied in the Law of the 18th Germinal of the Year X, was in force still.[1] Since a majority of the population of the three departments were devout Catholics, it was evident to Frenchmen who were indifferent and even to those who were hostile to the Roman Catholic Church in itself that some measure of understanding between the French Government and the Vatican was indispensable if the delicate task of reincorporating the 'dis-annexed' departments in France was to be accomplished successfully.

The traditional role of France as protectress of Catholics in the Near and Far East had not been repudiated by the Governments which carried the legislation of 1901–5—'anti-clericalism is not for export' being a well-established maxim of French foreign policy. Nor had the Holy See, on its part, retaliated against the anti-clerical legislation in France by taking any active steps to change the *status quo* in the relations between France and the Catholic Church outside the frontiers of the Republic. In these circumstances, the French Government could continue with impunity the policy of protecting the Church abroad and combating it at home so long as the relations of France with the Vatican were not so bad as those of Italy. At the very time, however, when the breach between the French Republic and the Holy See had occurred, relations between the Kingdom of Italy and the Holy See had begun to improve; and although, as has been mentioned already, Franco-Vatican relations likewise took a turn for the better which became appreciable during and after the General War of 1914–18, the reconciliation between Italy and the Vatican advanced still faster after the establishment in Italy of the Fascist régime, till it was signalized in a dramatic way by the conclusion of the Lateran Agreements of 1929.[2] The 'seventy years' war' between the Vatican and the Kingdom of Sardinia-Italy, which was thus brought to an end, had temporarily neutralized—at any rate on the political plane—the action of the Vatican in its aspect of an Italian national institution. Yet the Vatican had possessed that aspect (simultaneously with its theoretically incompatible aspect of a supra-national institution) ever since the return of the Pope from

[1] Statement by Monsieur Herriot in the Chamber of Deputies at Paris on the 26th January, 1925. A German translation of the legal opinion rendered by the *Conseil d'État* will be found in *Elsass-Lothringen im Kampfe um seine religiösen Einrichtungen, 1924–1926*, by 'Defensor' [the Abbé Nicolay] (Schwerdorff, 1926, Sekretariat des Lothringer Volksbundes).

[2] For these agreements and their antecedents, see Section (i) of this part of the present volume.

Avignon to Rome in the fifteenth century. In fact, the Vatican was the first place in which Italian nationalism had found expression—and this long before the Kingdom of Italy had been conceived.[1] Thus, in the light of history, an eventual reconciliation between the Vatican and the Quirinal, however deep and wide the temporary breach might be, seemed natural and even inevitable; and the international consequences were likely to be greater when Italy was under a Fascist than when she was under a Liberal régime. Fascism, avowedly aspiring to win for Italy the 'place in the sun' which Germany had failed to capture from France, would naturally be glad to supplant France as the protectress of the Roman Catholic Church in the East; and a Pope who *ex hypothesi* was of Italian birth and who had inherited a tradition of Italian nationalism that had pervaded the Vatican for four or five centuries, might feel that, in electing to follow the rising star of Fascist Italy, he was not only giving satisfaction to his own Italian feelings but was promoting the temporal interests of the Roman Catholic Church. This was the situation with which French statesmanship was confronted in the 'post-war' period;[2] and the possibility that France might lose ground in this field was enhanced by the fact that in both the Ottoman and the Manchu Empires—the two Oriental countries in which the French protectorate over the Catholic Church had been of most importance—the foundations had been broken up and the great deeps loosed since 1911.

The protectorate over the Catholic Church in the East and the reincorporation of the three 'dis-annexed' departments into the body politic of France were the two matters in which the tendency to cultivate Catholicism as a means to national ends had asserted itself widely in France; but the most extreme and curious example of the tendency was the movement known as '*L'Action Française*' which was carried on by a small though vociferous and influential minority of Frenchmen and principally by a single individual, Monsieur Charles Maurras, who dominated the movement and gave it the impress of

[1] See above, pp. 468–9.

[2] In France, it was taken as a symptom of an 'Italianizing' policy at the Vatican when in 1922 the office of the 'Propagation de la Foi'—an organization, founded by French initiative, which collected Catholic contributions from all over the world and distributed them all over the world to Catholic missionaries—was transferred from Lyon, its original seat, to Rome. The real reason for the transfer seems to have been a desire on the part of Catholics in the United States, who had come to contribute the major part of the funds, that the organization should be administered no longer from a point in the territory of another national state but from the ecclesiastical centre of the Roman Catholic World. (See a statement by Monsieur Jonnart in *Le Temps*, 23rd January, 1925.)

his own personality. In the role of Defender of the Faith, Monsieur Maurras was even more incongruous than Signor Mussolini; for the moving spirit of '*L'Action Française*' not only sought, like the moving spirit of Fascism, to press a Church which was supra-national in the essence of its being into the service of a militant nationalism which claimed an ultimate and absolute value for itself. He explicitly commended the Catholic Church on the ground that it had de-Christianized Christianity and had thus laid the foundations for a neo-paganism devoted to the cult of the Sovereign National State. Many eminent French Catholics, including prelates of the Church, welcomed Monsieur Maurras's left-handed benediction of their faith on the calculation that the force of his personality and the charm of his literary style would propagate the faith in certain quarters in France, particularly among the younger generation, where it had little prospect of regaining a footing under any other auspices. Thus when, in January 1914, Monsieur Maurras's journal, which bore the name of his movement, together with several books from his pen, was condemned at the Vatican by the Sacred Congregation of the Index, Pope Pius X, in confirming the decree, had reserved to himself the right to determine the time when it should be made public, in deference to requests which he had received that he should not allow the prohibition to take effect. Thereafter, Monsieur Maurras continued on his course in France without much regard for the sword of Damocles suspended above his head, while in the Vatican, when the Sacred Congregation of the Index was amalgamated with the Holy Office, the *dossier* of the suspended condemnation was mislaid.[1]

After this sketch of the background, it remains to record briefly the main events in the history of the relations between France and the Holy See from the coming into force of the Versailles Treaty down to the close of the year 1929.[2]

The first and outstanding event was the renewal of diplomatic relations, which was completed when Monsieur Jonnart presented his credentials as French Ambassador at the Vatican on the 28th May, 1921, and Monsignor Cerretti his as Papal Nuntius at the Quai d'Orsay on the 6th August.[3]

[1] For the whole history of the condemnation of Monsieur Maurras's works, before and after January 1914, as seen through Catholic eyes, see Denis Gwynn: *The 'Action Française' Condemnation* (London, 1928, Burns, Oates and Washbourne).

[2] The special question of 'Liturgical Honours' is dealt with in the *Survey for 1925*, vol. i, pp. 417–18, and in this volume in the note at the end of the present section.

[3] In this place it may be opportune to mention the name of the Abbé

In 1923, the Holy See for the first time took action which implied acquiescence in the French legislation of 1901–5. It drafted, and submitted to the French Government,[1] a statute for the organization of those private *associations cultuelles diocésaines* which had been contemplated, in the Law of 1905, as successors to the former *établissements publics du culte*, but which had not been constituted thereafter by the ecclesiastical authorities within the term laid down in the law (that is, by the 9th December, 1906). The belated draft statute of 1923 was referred by the Government of the Republic to three jurisconsults, who unanimously rendered the opinion that it was in conformity with existing legislation.[2] Accordingly, on the 13th May, 1923, the President of the Council informed the Nuntius that there would be no legal objection to the adoption of the statute by the Catholic clergy in France.[3] This was confirmed by the *Conseil d'État* on the 13th December, 1923.[4] The organization of diocesan associations in accordance with the statute was formally sanctioned by Pope Pius XI in an encyclical letter ('Maximam') of the 18th January, 1924.[5]

Meanwhile, in 'anti-clerical' circles in France, these first steps towards a reconciliation had aroused misgivings lest the intentions, if not the positive prescriptions, of the legislation of 1901–5 might gradually go by default;[6] and accordingly, when Monsieur Herriot formed his ministry in 1924, he announced, in his declaration of policy in the Chamber on the 17th June, three objectives which he had set himself in this sphere: first, the withdrawal of the French Embassy from the Vatican, second, the strict application of the law

Wetterlé as one of those who did most to bring about a good understanding between the French Republic and the Vatican—and this not only in matters relating to the 'dis-annexed' departments, but also in regard to the formation of *associations cultuelles* in conformity with the legislation of 1901–5. (See above.)

[1] Letter of the 7th May, 1923, from the Apostolic Nuntius in Paris, Monsignor Cerretti, to the President of the Council, Monsieur Poincaré, enclosing the text of the draft statute, in *L'Europe Nouvelle*, 1st March, 1924.

[2] Text of the opinion rendered by these three jurisconsults on the 6th April, 1923, in *L'Europe Nouvelle*, 1st March, 1924. (*N.B.*—It would appear from the dates that the text had been submitted to the jurisconsults in advance of Monsignor Cerretti's formal letter of the 7th May, 1923.)

[3] Text of Monsieur Poincaré's letter in *L'Europe Nouvelle, loc. cit.*

[4] Extract from the records of the *Conseil d'État* in *L'Europe Nouvelle, loc. cit.*

[5] French translation in *L'Europe Nouvelle, loc. cit.* For the problem of ecclesiastical property in France, see *op. cit.*, 28th August, 1926.

[6] See, for example, 'Une Liste de Congrégations illégalement maintenues ou rentrées en France' in *L'Europe Nouvelle*, 30th June, 1923, and 'Une Liste de Congrégations d'hommes rentrées en France sans autorisation' in *op. cit.*, 10th November, 1928.

regarding religious congregations; third, the acceleration of the process of assimilating the legal régime in the 'dis-annexed' departments to the régime existing in the rest of France. The third point immediately raised a storm in the 'dis-annexed' departments; and it was significant that the French incumbents of the bishoprics of Strasbourg and Metz, whom the Vatican had appointed since the Armistice in place of the former German incumbents in deference to the French Government's wishes, now put themselves at the head of the movement of protest among the local population. The whole programme aroused considerable opposition in France at large, not only in Catholic circles but among non-Catholics who regarded the *rapprochement* between the Republic and the Catholic Church as a necessary means to national ends. A correspondence on the subject between Monsieur Herriot and the six Cardinals of France was published on the 29th September, 1924; and on the 22nd January, 1925, Monsieur Briand made a plea in the Chamber for the retention of the French Embassy at the Vatican which he had been responsible for re-establishing four years earlier. Indeed, the opposition which Monsieur Herriot encountered proved so strong that, when the *Conseil d'État* rendered its opinion[1] that, in the 'dis-annexed' departments, the régime of the concordat was still in force, Monsieur Herriot took the opportunity to seek a compromise. Without abandoning the policy of withdrawing the Embassy from the Vatican, he proposed to retain an Envoy there in order to represent the 'dis-annexed' departments. This compromise, however, displeased the left wing of his supporters without placating his adversaries. In February 1925 another letter of protest from the six Cardinals to Monsieur Herriot was made public; and in the same month an unofficial visit to the Vatican on the part of a French Senator, Monsieur de Monzie, with a view to arriving at a compromise by agreement, failed to bear fruit. Thereafter, on the 10th March, 1925, the Archbishops and Cardinals of France passed over to the offensive by issuing a declaration 'on the so-called *lois de laïcité* and the measures to be taken for combating them'.[2] On the 16th March a school-strike (for three days at Colmar and for one day in other places) was instituted in the Catholic schools in the 'dis-annexed' departments, as a protest against the opening of undenominational schools by the State. Simultaneously, misgivings

[1] See p. 482 above.

[2] Text in *L'Europe Nouvelle*, 28th March, 1925. On the 15th March the Archbishop of Paris, Cardinal Dubois, made a statement in Notre Dame which was evidently intended to 'tone down' the rather militant style of the declaration of the 10th.

in regard to the laicizing policy of the Government in the field of education were expressed in Alsace in Protestant circles. Meanwhile, in the Chamber and the Senate, the contest over the proposal to withdraw the French Embassy from the Vatican dragged on until it fell to the ground with the fall of the Ministry itself on the 10th April.

While Monsieur Herriot's policy had been causing these controversies in France, the Holy See and the Apostolic Nuntius in Paris had maintained a studiously 'correct' attitude; and this had its reward; for, after the interlude of Monsieur Herriot's Ministry, the tendency towards an improvement in the relations between Church and State declared itself once more.

The next outstanding event was the confirmation, on the 29th December, 1926, by Pope Pius XI, of the decree of January 1914, condemning *L'Action Française* and certain other publications of Monsieur Charles Maurras. The initiative in this appears to have been taken by members of the Roman Catholic hierarchy in France, in consultation with the Holy See; and the factor which finally moved the Holy See to act appears to have been an urgent demand for condemnation which was received from the hierarchy in Belgium. The motive seems to have been a not unfounded alarm at the extent of the influence which Monsieur Maurras had succeeded in acquiring over Catholics, especially those of the rising generation, in French-speaking countries, and a feeling that it was ultimately impossible for Catholics to follow simultaneously two leaderships so fundamentally divergent in spirit and aim as that of Monsieur Maurras on the one hand and that of the hierarchy and the Holy See on the other. The attack was opened by a public letter from the Archbishop of Bordeaux, Cardinal Andrieu, on the 27th August, 1926; but this drew so vigorous a protest from influential French Catholics that the Pope himself had to intervene in support of Cardinal Andrieu in a letter dated the 5th September and published on the 8th.[1] Catholic opinion in France was so sharply divided on the matter that, even after this, another eminent French ecclesiastic, Cardinal Billot, wrote to congratulate one of Monsieur Maurras's associates, Monsieur Léon Daudet, upon a reply which he had published in answer to Cardinal Andrieu's letter. Meanwhile, the Vatican was embarrassed by the fact that the *dossier* of the condemnation in 1914 had been mislaid;[2] and this partly explains why the confirmation of the decree of Pope Pius X by Pope Pius XI was delayed until the 29th December, 1926, and the publication of it until the beginning

[1] Texts of these and subsequent documents in Gwynn, *op. cit.*

[2] See p. 484 above.

of the new year. Thereupon, Monsieur Maurras went into open and active opposition to the Holy See, while the Catholic hierarchy in France fell into line in support of it. A hundred and seven Cardinals, Archbishops and Bishops of France published a 'collective and solemn declaration'[1] in conformity with the Pope's action; and the one French Bishop who held aloof, Monseigneur Marty, made an act of submission to the Pope in October. Thereafter, the conflict between the Roman Catholic hierarchy in France and *L'Action Française* continued, but it ceased to be a matter of importance in as much as it ceased to threaten to produce any serious division in the allegiance of French Catholics.

A minor landmark in the history of the relations between State and Church in France was a pastoral letter of the 16th October, 1927,[2] from the Archbishop of Paris, prescribing a special mass to be sung on Sunday the 6th November in intercession for the welfare of the Republic—the first occasion on which the Catholic Church in France availed itself of a right which it had recovered by the Law of the 9th December, 1905, after having been deprived of it on the 14th August, 1884. Again, in March 1928, the Archbishop of Paris published a letter from the Cardinal Secretary of State at the Vatican declaring that Pope Pius XI had in no way departed from the policy of *ralliement* to the Republic, as enunciated in a letter addressed on the 3rd May, 1892, to the Bishops of France by Pope Leo XIII, in which he had laid it down that 'an established power should be accepted as it stands'.

These friendly gestures on the part of the Roman Catholic Church were reciprocated by the State in a gesture which was incidentally agreeable to the Church though the promotion of French national interests was the motive which led to its being made. In the autumn of 1928 Monsieur Poincaré's Ministry, then in office, included in the draft *loi des finances* for the forthcoming financial year an article (Art. 71) empowering the Government to restore to missionary congregations, by decree, the right to have their base of operations in France, coupled with another article (Art. 70) for handing over to the new *associations cultuelles diocésaines*, which had been constituted in virtue of the statute of 1923,[3] such ecclesiastical property in France as had not been liquidated by the State since 1905. These two articles, especially Art. 71, produced a sharp division of opinion not only in the country and the Chamber but in the Cabinet itself. On the 1st

[1] Text in *Le Temps*, 10th March, 1927.
[2] Text in *L'Europe Nouvelle*, 5th November, 1927.
[3] See p. 485 above.

November the Ministry agreed upon a new draft of Art. 71, in which nine congregations (four of which were already authorized while the other five had already applied for authorization in accordance with the laws of 1901–5) were mentioned by name, with a proviso that future authorizations, instead of being left to the Government's discretion to be granted by decree, should not be obtainable except through a special law in each case. Even so, the political storm which had been raised was sufficiently violent to bring Monsieur Poincaré's Ministry to the ground.

Eventually, the contents of Articles 70 and 71 were separated from the *loi des finances* and were recast into a series of separate Bills—one each for the missionary congregations which had applied for authorization in accordance with the laws of 1901–5 and one dealing with the conveyance of ecclesiastical property to the *associations cultuelles*. In the face of stubborn opposition, these Bills were all carried through the Chamber during the last week of March 1929.[1] The debates on this occasion threw light on the state of feeling in France at the time towards the Roman Catholic Church. They indicated that while the tendency towards reconciliation was definitely in the ascendent, 'anti-clericalism' was still a powerful force, and that this force might again prevail at any moment if it could be shown that the advocates of a good understanding between State and Church were carrying their policy to the length of tampering with the *lois de laïcité* of 1901–5.

Note on the Agreements of the 4th December, 1926, between the Vatican and France relative to the rendering of Liturgical Honours.[2]

In a previous volume[3] it has been recorded that, juridically, the Liturgical Honours traditionally rendered in Ottoman territory by representatives of the Catholic Church to representatives of the French Government had become obsolete definitively in Turkey upon the coming into force of the Lausanne Treaty and provisionally in the ex-Ottoman territories under Mandate upon the coming into force of the respective Mandates. It has further been recorded that, in the ex-Ottoman territories mandated to

[1] The voting in the Chamber revealed the line of division between clericals and anti-clericals. The anti-clericals comprised the whole Left as far as the Radical Socialists inclusive, as well as about fifteen members of the *Gauche Radicale*, a pivotal group who were conservatives on social questions but radicals (in the English sense) on political questions. In the voting upon the missionary congregations Bills, this group split, about fifteen of its members voting against the Bills and thirty-five for them. At the time of writing, no vote on these Bills had yet been taken in the Senate.

[2] For the historical background see A. Bertola: 'Il Protettorato Religioso in Oriente e l'Accordo 4 Dicembre 1926 fra la Santa Sede et la Francia' (*Oriente Moderno*, October 1928).

[3] *Survey for 1925*, vol. i, pp. 352 and 417–19.

France, the representatives of the Catholic Church had nevertheless continued, as a matter of courtesy, to render the traditional Liturgical Honours to successive French High Commissioners until the tradition had been interrupted by General Sarrail's refusal to receive the Honours when offered to him on his arrival at Bayrūt as High Commissioner at the beginning of the year 1925.[1] General Sarrail's action had not been upheld by Monsieur Herriot's Ministry, to which he owed his appointment: for although General Sarrail had been chosen for the post of High Commissioner because his politics were those of the Ministry of the day, and although 'laicism' was one of the cardinal tenets of Monsieur Herriot and his colleagues, it was also one of the unwritten conventions of French party politics that 'anti-clericalism was not for export', and this convention had been ignored by General Sarrail in acting as he had done. Accordingly Monsieur Herriot, in a correspondence with the Apostolic Delegate at Bayrūt, had sought to secure the re-establishment of the *status quo*; but in view of the fact that the rendering of Liturgical Honours to France had already lost its juridical basis, the effect of General Sarrail's action was to raise the question of principle;[2] and this was eventually settled on the 4th December, 1926, by the conclusion of two agreements[3] between the Holy See, represented by the Apostolic Nuntius at Paris, and the French Government, represented by Monsieur Briand (the Foreign Minister of a French Ministry which was in a better position than Monsieur Herriot's Ministry to negotiate with the Vatican).

The first of these agreements confirmed the rendering of Liturgical Honours to the representatives of the French Government in Oriental countries where the religious protectorate of France over Catholics and Uniates was at that time still in existence 'in virtue of international treaties, capitulations, commands, usages and customs'; laid down precisely what the honours were to be; but stipulated that the privilege should be suspended if the local Government objected to it, and reserved to the Holy See the right to suspend the privilege likewise if the French Government were to cease to maintain an Embassy *auprès* the Holy See. The French representative who was entitled to receive the honours in any given case was to be represented by a deputy if he were either a non-Catholic or an ex-Catholic who openly professed sentiments incompatible with the Catholic religion.

The second agreement provided that the same honours, defined in the same terms, and with the same stipulations and reservations, should be rendered to the representatives of the French Government, as a gracious concession on the part of the Holy See, in ex-Ottoman territories in which the religious protectorate of France over Catholics and Uniates (in consideration whereof the Liturgical Honours were rendered) had

[1] *Op. cit.*, pp. 418–19.

[2] The question was brought to the attention of the French Government by the refusal of the Papal Nuntius at Constantinople to render the traditional honours to the French Ambassador in Turkey at the mass with which the Nuntius celebrated the Festival of St. John Chrysostom on the 27th January, 1926.

[3] Texts printed in *Oriente Moderno*, February 1927, pp. 61–3, from *Acta Apostolicae Sedis*, Annus xix, vol. xix, 15 januarii, 1927.

juridically been extinguished or suspended with the extinction or suspension of the Ottoman Capitulations—the territories in question being those of Turkey within the frontiers established in the Lausanne peace settlement and of the countries mandated under 'A' Mandates to France and Great Britain.[1] In this agreement, provision was also made for the maintenance of traditional local variations in the form and occasion of the honours, especially in the Lebanon and Syria—with a saving clause in respect of churches and chapels 'affectées au service particulier d'une colonie étrangère'.

In recording this settlement between the Vatican and France, it may be recalled that the three institutions of Liturgical Honours, Religious Protectorates, and Capitulations were three interrelated parts of the old Ottoman political and social system—a system which had once possessed a *raison d'être* and which was sufficiently coherent to make the survival of any one part an anachronism after the disintegration of the whole. At the date when the two agreements of the 4th December, 1926, were concluded, the foundations of the old Ottoman order had already been swept away by the impact of Western civilization; and such fragments of the system as Liturgical Honours had become meaningless relics of a structure which had differed from that of the victorious civilization from the foundations upwards. Thus the two agreements represented little more than the recognition of certain obsolete ceremonies—and this in an Islamic World which was changing so fast that the imponderable forces of 'tradition' and 'prestige' had lost much of their ancient potency. Moreover, it will be noted that the geographical limits within which this ghost of the past was given leave to walk were potentially restricted very narrowly by the stipulation that, if the local Government objected, the privilege should be suspended.

There was only one international consequence of a practical character which might conceivably follow from the agreements of December 1926; and this was that Catholic clergy of Italian nationality in the Levant might find themselves constrained to render honours to a representative of France in circumstances which might offend their patriotic feelings. This possibility of international friction, however, appeared remote.

[1] The agreement cited Article 28 of the Peace Treaty of Lausanne, which provided for the abolition of the Capitulations in Turkey, and Article 5 of the French Mandate for Syria and the Lebanon, Article 8 of the British Mandate for Palestine, and Article 9 of the Anglo-'Irāqi Treaty of the 10th October, 1922, in which the operation of the Ottoman Capitulations was suspended for the duration of the Mandates and of the Treaty respectively.

APPENDIX

CHRONOLOGY OF EVENTS, 1929.[1]

N.B. The following abbreviations are used in the references to the published texts of treaties and documents: *A.J.I.L.* = *American Journal of International Law*; *Cmd.* = British Parliamentary Paper; *D.I.A.* = *Documents on International Affairs*; *E.N.* = *L'Europe Nouvelle*; *L.N.O.J.* = *League of Nations Official Journal*; *L.N.T.S.* = *League of Nations Treaty Series*; *O.M.* = *Oriente Moderno*.

Afghanistan

1929, Jan. 14. King Amānu'llāh abdicated and retired to Kandahār. His brother 'Ināyatullāh became King. Jan. 17, Kābul taken by the Bacha-i-Saqao, who was proclaimed as Amir Habībullāh; King 'Ināyatullāh abdicated. The Sirdar 'Ali Ahmed Khān became Amir of Jalālābād. Jan. 18, reforms introduced by Amānu'llāh abolished. Feb. 9, Amir of Jalālābād deposed. Feb. 10, Jalālābād sacked by Shinwārīs and Khūgiānīs. Feb. 25, remaining members of British Legation at Kābul removed to Peshāwur. March 6, Nādir Khān entered Afghanistan. March 26, King Amānu'llāh took the field against the Amir Habībullāh. May 4, Herat captured for Amir Habībullāh. May 23, King Amānu'llāh left Afghanistan. May 31, Kandahār captured by Amir Habībullāh. Oct. 8, Nādir Khān, after much campaigning, occupied Kābul. Oct. 16, Nādir Khān elected King. Nov. 4, Amir Habībullāh executed. Nov. 15, King Nādir recognized by Great Britain.

Arabia

1929, April 26. Treaty of friendship between Germany and Najd-Hijāz signed. (Text: *O.M.* July 1929.)

May 9. Mission from Ibn Saʿūd under Shaykh Hāfiz Wahbah arrived in London to discuss 'Irāq frontier question.

June 25. Treaty of friendship between Yaman and U.S.S.R. signed on Nov. 1, 1928, ratified by Imām of Sanʿā. (Text: *D.I.A.* 1929; *O.M.* Sept. 1929.)

Aug. 3. Treaty of friendship between Najd-Hijāz and Turkey signed.

Aug. 24. Treaty of peace and friendship between Najd-Hijāz and Persia signed. (Text: *O.M.* March 1930.)

Australia. See under *Outlawry of War*, Jan. 17; *Permanent Court*, Sept. 9–24.

Austria

1929, May 23. M. Briand, as President of the Conference of Ambassadors, sent note to League of Nations enclosing documents showing

[1] In this Chronology only a few treaties of political importance are included. For a full list of bilateral and multilateral treaties and conventions signed or ratified during the year 1929, see the supplementary volume *Documents on International Affairs, 1929*.

Austria: cont.

position regarding uncompleted requirements in connexion with disarmament enumerated by Conference of Ambassadors in December, 1927, before withdrawal of Interallied Commission of Control. (Text of note: *L.N.O.J.* August 1929.)

Oct. 18. Government formed by Herr Schober on Sept. 26 introduced into Parliament Bill providing for changes in Constitution in accordance with demands of Heimwehr. Dec. 7, Bill, in amended form, passed by Parliament; became law on Dec. 10.

Baltic States

1929, Dec. 7–8. Conference held at Reval, attended by representatives of economic organizations in Estonia, Latvia, and Lithuania.

Belgium

1929, Feb. 24. A Dutch newspaper, the *Utrechtsch Dagblad*, published alleged texts of secret military treaty concluded between France and Belgium in 1920 and of 'interpretations' of treaty resulting from discussions between French and Belgian General Staffs in 1927. Documents were finally proved to be forgeries.

March 20. Arbitration and conciliation treaties signed with United States.

May 23. Treaty of friendship and arbitration signed with Persia.

June 15. Official publications issued at Brussels and at The Hague containing texts of documents relating to the Scheldt question and of notes exchanged between the Belgian and Dutch Governments on the subject from June 1928 to June 1929.

June 25. Arbitration treaty signed with Greece.

July 13. Agreements signed with Germany regarding depreciated marks currency left in Belgium after the War and sequestrated German property. (Texts: *E.N.* 3.8.29; of marks agreement: *D.I.A.* 1929.)

See also under *China* (*a*) Aug. 31; *Germany*, Aug. 6, Oct. 5, Nov. 30; *Outlawry of War*, Jan. 17; *Reparations*.

Bolivia

1929, Jan. 3. Protocol signed with Paraguay providing for conciliation of Chaco incident of Dec. 1928. (*Times*, 4.1.29). March 13, Commission of inquiry and conciliation met. May 13, Commission agreed to carry out exchange of prisoners and repatriated Paraguayans on June 30 and Bolivians on July 8. July 1, both parties accepted offer of neutral commissioners to propose settlement of substance of dispute over Chaco. Aug. 31, draft arbitration convention submitted by neutral commissioners. Sept. 9, Bolivia and Paraguay rejected draft convention; further proposals of Sept. 12 also unacceptable. Sept. 12, conciliation resolution was adopted settling incident of Dec. 1928. Sept. 13, final sitting of Commission. Sept. 21, report submitted by Chairman of Commission to U.S. Government. (Text: *Bulletin of Pan-American Union*, Nov. 1929.) Oct. 1, neutral Governments represented on Commission

Bolivia: cont.

warned disputants of consequences of delayed settlement of substance of dispute and the United States proposed direct negotiations at Washington and an advisory neutral commission. Paraguay accepted this on Oct. 5, and Bolivia on Nov. 13.

May 18. Bolivian Legation at Washington issued statement protesting against settlement reached between Chile and Peru regarding Tacna and Arica, the terms of which had been announced on the previous day.

Brazil. See under *China* (*c*), May 8, Dec. 9; *France*, July 12.

Bulgaria

1929, Jan. 21. Arbitration and conciliation treaties signed with the United States. Ratifications exchanged and came into force on July 22. (Text: *A.J.I.L.* Oct. 1929.)

Feb. 6. Jugoslav Government informed Bulgarian Government that they intended to reopen the frontier, which had been closed for more than a year, and proposed that a Mixed Commission should sit at Pirot to consider measures for preventing and settling frontier incidents. Feb. 25–March 16, Mixed Commission met at Pirot and agreed on certain measures which they recommended to the two Governments for acceptance.

March 6. Treaty of neutrality, conciliation, arbitration, and judicial settlement signed with Turkey.

May 25. Greek Government paid first instalment of sum due to Bulgaria in respect of properties of exchanged populations, in accordance with agreement of Dec. 9, 1927.

July 22. Treaty of conciliation and arbitration signed with Hungary.

July 25. Jugoslav Government presented note to Bulgarian Government protesting against amnesty granted to M. Radoslavov (Bulgarian Prime Minister in 1915) as contravention of provisions of Treaty of Neuilly regarding 'War criminals'. Aug. 2, Bulgarian Government replied that amnesty had been granted in respect of other offences than those referred to in Treaty. Aug. 25, Jugoslav Government sent note accepting Bulgarian explanation.

Sept. 24. Mixed Bulgarian-Jugoslav Commission met again at Pirot, after exchange of notes between two Governments regarding putting into force of agreement reached in March and desirability of further negotiations on neutral zone, liquidation of divided frontier properties, &c. Sept. 26, Mixed Commission signed protocols dealing with frontier régime, method of working divided properties, &c. Nov. 5, protocols came into force for three months. (Text: *E.N.* 15.3.30.) Nov. 15, further conference, to discuss neutral zone and complete liquidation of divided properties, opened at Sofia.

Nov. 1. Bulgarian delegation rejected proposals for increase in Bulgarian reparation payments drawn up by Committee on Eastern European Reparations (see under *Reparations*). Revised proposals submitted by Committee, providing for 36 annual payments of £500,000, also proved unacceptable to Bulgaria. Dec. 5, British,

Bulgaria: cont.

French, and Italian Ministers at Sofia had interviews with King of Bulgaria and recommended acceptance of revised terms. Dec. 11, Bulgarian Ministers of Finance and Foreign Affairs arrived in Rome to negotiate on reparation question; subsequently visited London and Paris.

Nov. 28. Announced that Rumanian Government had decided to liquidate by auction sale property of Bulgarian and Hungarian nationals confiscated during War. Dec. 1, Bulgarian Minister at Bucharest instructed to make formal protest to Rumanian Government.

Dec. 31. Arbitration and conciliation treaty with Poland signed.

Canada

1929, March 22. Schooner of Canadian registry, the *I'm Alone*, sunk by fire from U.S. revenue cutter on the high seas. March 28, U.S. State Department presented note to Canadian Minister setting out American version of incident. April 9, Canadian reply. April 17 and 24, further exchange of notes, recording agreement to submit case to arbitration. Aug. 7, names of arbitrators announced.

Dec. 20. Exchange of notes with U.S.S.R. on resumption of diplomatic relations. (Text: *Canadian Treaty Series* 1929, No. 17.)

See also under *Outlawry of War*, Jan. 17; *Permanent Court*, Sept. 9–24.

Chile

1929, June 3. Treaty signed with Peru settling dispute over Tacna and Arica, assigning Tacna to Peru and Arica to Chile. Ratifications exchanged on July 28. (Text: *E.N.* 2.10.29.) Aug. 29, province and town of Tacna handed over to Peru by Chilean authorities.

July 5. Treaty of friendship signed with Egypt.

Oct. 19. Conciliation treaty with Poland signed.

See also under *Bolivia*, May 18.

China

(*a*) *General*

1929, Jan. 1. Former Russian and German concessions at Hankow taken over by Wuhan Municipal Council.

Jan. 9. By an exchange of notes, Japan agreed to entry into force of new tariff on Feb. 1.

Jan. 10. Mr. F. W. Maze appointed Inspector-General of Customs.

March 5. Sir A. F. Whyte appointed Political Counsellor to Nanking Government.

March 28. Agreement signed with Japan settling Tsinanfu Incident of May 3, 1928. (Text: *E.N.* 4.5.29; *China Year Book*, 1929–30.)

April 16. Japanese evacuation of Shantung postponed at request of Chinese Government till May 5; finally completed on May 20.

April 17. Sale of Shanghai Municipal Electricity undertaking to American and Foreign Power Company approved by ratepayers of International Settlement.

China: cont.

April 24. Anti-Japanese riots at Shanghai.
April 26. Arms embargo agreement of May 7, 1919, cancelled.
May 2. Settlement reached with Japan of Nanking and Hankow incidents. (Texts of notes: *China Year Book*, 1929–30.) Negotiations begun for a new Sino-Japanese treaty.
May 4. Ban imposed on *North China Daily News*; raised on June 6.
June 20. Agreement signed with Great Britain regarding British Naval Mission and training of Chinese naval cadets in England.
Aug. 31. Agreement signed for retrocession of Belgian concession at Tientsin.
Sept. 10. At League Assembly, Mr. C. C. Wu raised question of treaty revision in connexion with Art. 19 of League Covenant.
Sept. 18. Commercial treaty signed with Poland.
Sept. 30. Treaty of friendship with Greece signed.
Oct. 31. Agreement signed with Great Britain regarding rendition of Chinkiang. (Text: *Cmd.* 3479.) Rendition took place on Nov. 15.
Nov. 9. Notes exchanged with Great Britain regarding Chinkiang claims of 1927. (Text: *Cmd.* 3470.)
Dec. 19. Chinese Government objected to appointment of Mr. Obata as Japanese Minister to China.

(*b*) *Extra-territoriality.*

1929, April 27. Chinese Government presented notes to Treaty Powers urging abolition of extra-territoriality. Replies returned by Great Britain, United States, France, and Netherlands on Aug. 10 and by Norway on Aug. 15. (Texts of Chinese, British, and American notes: *D.I.A. 1929.*)
Sept. 5. Chinese Government replied to United States urging immediate initiation of discussions. Similar notes addressed to Great Britain (Sept. 6); France (Sept. 7); the Netherlands (Sept. 9); Norway (Sept. 12). Replies sent by Great Britain, United States, France, and Netherlands on Nov. 1.
Nov. 9. Chinese Government sent notes to France and Netherlands inviting representatives to come to Nanking to enter upon early negotiations.
Nov. 12. By exchange of notes of Oct. 21 and Nov. 12, Mexico relinquished extra-territorial rights in China.
Dec. 20. British *aide-mémoire* agreeing that Jan. 1, 1930, should be treated as date from which process of gradual abolition of extra-territoriality should be regarded as having begun in principle. Dec. 24, Chinese *aide-mémoire* expressing appreciation. (Texts: *D.I.A. 1929.*)
Dec. 28. Chinese mandate issued declaring that as from Jan. 1, 1930, all foreign nationals in China should abide by Chinese laws. (Text: *D.I.A. 1929.*) Dec. 30, Manifesto published by Chinese Minister for Foreign Affairs announcing that Government would consider representations made by Powers with reference to plan for abolition of extra-territoriality which was under preparation.

China: cont.

(*c*) *Shanghai Provisional Court.*

1929, May 8. Chinese note to Brazil, France, Great Britain, Netherlands, Norway, and United States proposing negotiations for revision of Provisional Agreement of 1926. June 7, Netherlands Minister, as doyen of Diplomatic Corps, replied suggesting negotiations through committee of local representatives.

July 3. Chinese note sent rejecting suggestion of Powers. Aug. 2, Netherlands Minister asked for concrete proposals.

Sept. 6. Chinese note to Powers proposing that negotiations begin on Sept. 23. Sept. 19, Netherlands Minister suggested further time for consideration.

Dec. 9. Negotiations opened at Nanking between Chinese delegates and representatives of British, American, French, Dutch, Norwegian, and Brazilian Legations.

(*d*) *Civil War and Internal Affairs.*

1929, Jan. 1. Chang Hsüeh-liang appointed Chairman of Political Council of North Eastern Provinces and Nationalist flag hoisted in Manchuria.

Jan. 1–25. Disbandment Conference held at Nanking. On Jan. 18, Conference agreed on army reduction and central financial control.

Jan. 4. In Szechwan Yang Sen and Lai Hsin-hui retreated before Liu Hsiang and Liu Wen-hui, evacuating Wanhsien. On Jan. 15, Nanking Government dismissed Yang Sen and ordered hostilities to cease.

Jan. 10. Yang Yü-ting and Chang Yin-huai executed at Mukden by Chang Hsüeh-liang.

Feb. 4. Chiang Kai-shek issued statement urging party solidarity, condemning labour movements inspired by destructive motives, and deprecating return of Wang Ching-wei.

Feb. 19. Chang Tsung-ch'ang landed at Lungkow; occupied Chefoo on March 27, but retired to Dairen after recapture of Chefoo by Nanking troops on April 23.

Feb. 19. Lu Ti-ping, nominee of Nanking Government, dismissed from Chairmanship of Hunan Provincial Government by Wuhan Branch Political Council and troops sent to Changsha under Generals Yeh Chi and Hsia Wei. Ho Chien, Wuhan nominee, ousted Lu Ti-ping, who retreated on Feb. 21 with his troops into Kiangsi.

March 10. Li Tsung-jen resigned his posts under Nanking Government.

March 12. Fêng Yü-hsiang resigned his post as Minister for War.

March 13. Nanking Government dismissed Hu Tsung-to, Chang Chih-peng, and Chang Hua-fu from Wuhan Branch Political Council.

March 14. Manifesto published by 13 Left Wing leaders, headed by Wang Ching-wei, violently denouncing rule of Nanking Government.

March 15–28. Third Delegates' Congress of Kuomintang held at Nanking. March 15, Wang Ching-wei reprimanded and other Left

China: cont.

Wing leaders expelled from Kuomintang for life or for terms of years. March 22, Congress denounced Kwangsi commanders in Hunan, Generals Yeh Chi and Hsia Wei.

March (?) 20. Tang Sheng-chih arrived secretly at Tientsin, ousted Pai Chung-hsi (who escaped to Japan), and resumed command of Hunanese troops in Chihli Province.

March 26. Nanking Government issued mandate cashiering Kwangsi leaders Li Tsung-jen, Li Chai-sum, and Pai Chung-hsi, and authorizing dispatch of punitive expedition. Li Chai-sum had been previously arrested while attending Congress.

March 29. Chiang Kai-shek left for Kiukiang and assumed supreme command of Government forces operating against Kwangsi Generals in control of Wuhan.

April 1. Kwangsi troops evacuated from Canton.

April 4. Hankow evacuated by Wuhan leaders; occupied by Chiang Kai-shek next day. Lu Ti-ping appointed Garrison Commander. Wuhan leaders Hu Tsung-to, Hsia Wei, and Tao Chun conveyed, at request of both sides, on British man-of-war to Shanghai, whence they sailed for Hongkong.

April 27. Sun Liang-cheng, Chairman of Shantung Government and a supporter of Fêng Yü-hsiang, resigned and retired into Honan in order to avoid being surrounded and cut off by Chiang Kai-shek's forces. Ch'ên Tiao-yuan appointed to control of whole of Shantung.

May 9. Kwangsi forces invaded Kwangtung; defeated and driven back about May 18.

May 15. General Ho Chien, Governor of Hunan, acting in support of Nanking Government, invaded Kwangsi and occupied Kweilin, the capital.

May 20. Fêng Yü-hsiang denounced Nanking Government as an illegal Government and announced assumption of command of north-western route of army for protection of party and relief of nation.

May 23. Fêng Yü-hsiang expelled from Kuomintang; two of his Generals, Han Fu-chu and Shih Yu-shan, went over to Nanking Government; Fêng withdrew towards Shensi border.

June 1. State funeral of Sun Yat-sen at Nanking.

June 3. Final collapse of Kwangsi rebellion against Nanking.

July 5. Punitive mandate against Fêng Yü-hsiang cancelled.

July 7–10. Conference in Peking between Chiang Kai-shek, Yen Hsi-shan, and Chang Hsüeh-liang.

Aug. 1–6. Further Disbandment Conference held at Nanking. Mr. T. V. Soong resigned post of Minister of Finance, but withdrew resignation on receiving assurance of Government support.

Aug. 15 (?). Li Chai-sum released from close confinement, but kept under surveillance.

Aug. 28. Attempted assassination of Chiang Kai-shek in Shanghai.

Sept. 19. Chang Fa-kwei, on being ordered to move with his troops from Ichang to neighbourhood of Lunghai railway, revolted and

China: cont.

marched into Hunan. Punitive mandate cashiering him issued on Sept. 20.

Sept. (?). General Yu Tso-pu declared independence of Kwangsi.

Sept. 28. Manifesto published by Wang Ching-wei and other 'Reorganizationist' leaders denouncing Third Party Congress and Nanking Government.

Oct. 10. Kuominchün Generals in Shensi and N. W. Honan denounced Chiang Kai-shek and Nanking Government, who in reply announced dispatch of punitive expedition. During October, Kuominchün advanced along Lunghai railway and down Han River.

Oct. 28. Chiang Kai-shek proceeded to Chengchow to assume command in field.

Nov. (?). Chang Fa-kwei's army appeared on northern borders of Kwangtung. Simultaneously, Kwangsi armies rose, captured Wuchow, and advanced in conjunction with Chang against Canton.

Nov. 24. Kuominchün armies driven back in N.-W. Honan and N.-W. Hupei; Chiang Kai-shek sent reinforcements to Canton by sea under Ho Yung-chin.

Dec. 2–7. Mutinies of Shih Yu-san's troops at Pukow, Changchow, and Anking. Foreign women and children evacuated from Nanking.

Dec. 7 (about). Circular telegram issued over names of 70 Generals of Kuominchün and Government forces calling for cessation of civil war and united front against Russia. Tang Sheng-chih issued manifesto from Chengchow declaring for Wang Ching-wei and Chang Fa-kwei. Punitive mandate issued cashiering Tang.

General Ch'ên Tiao-yuan, Governor of Shantung, announced his loyalty to Nanking.

Dec. 11. Chang Fa-kwei and Kwangsi armies defeated in battle 30 miles from Canton and driven back.

Dec. 12. Wang Ching-wei expelled from Kuomintang.

Dec. 22. Yen Hsi-shan and Chang Hsüeh-liang denounced Reorganizationist Faction and promised support to Nanking Government. Shansi troops moved southwards into Honan. Tang Sheng-chih's insurrection collapsed.

(*e*) *Sino-Russian Dispute in Manchuria.*

1929, Jan. 24. Soviet offices at Harbin raided and trade union presidents arrested. Further arrests on Jan. 27 and Feb. 1. All suspects released early in March.

May 27. Soviet consulates raided at Harbin, Tsitsihar, Manchouli, and Suifenho. May 31. Soviet note of protest to China.

June 2. Soviet officials arrested at Manchurian frontier.

July 10–11. Chinese seized Chinese Eastern Railway, sealed various Soviet state commercial institutions, arrested and deported Soviet officials, and did not answer Russian telegram of July 11 proposing an inquiry.

July 13. Soviet ultimatum sent to China. July 17, Chinese reply. Soviet Government not satisfied and broke off relations.

China: cont.

July 18. Governments of United States, Great Britain, France, and Japan initiated attempt to prevent hostilities.

July 20. China broke off relations with Russia and addressed manifesto to foreign Governments, followed by statements from Chiang Kai-shek and C. T. Wang on July 21, from Central Executive Committee on July 23, and again from Mr. Wang on July 27.

July 22. Negotiations opened at Harbin between Mr. Tsai and M. Melnikov; latter refused to consider Chinese proposals for settlement and put forward counter-proposals on July 25. Negotiations continued at Manchouli on July 30. On Aug. 1, M. Karakhan rejected proposals contained in note from Marshal Chang Hsüeh-liang of July 29.

Aug. 13. Soviet forces began hostilities. Raids made in neighbourhood of Jalai Nor and Suifenho and on Sungari River on Aug. 16, 20 and 22.

Aug. 19. Russian note accusing China of aggression.

Aug. 21. Chinese statement to signatories of Kellogg Pact.

Aug. 28. Chinese draft of joint declaration to serve as starting-point for settlement sent to Moscow through German Ambassador. Aug. 29, M. Litvinov sent reply agreeing to Chinese draft subject to certain modifications. These not accepted by Chinese Government, which made counter-proposals on Sept. 9 and 13. On Sept. 17, M. Litvinov rejected Chinese counter-proposals.

Sept. 7–12. Soviet forces attacked Manchouli and Pogranichnaya.

Sept. 25. Soviet Government protested against Chinese and White Russian attacks and execution of Soviet nationals. Further protests on Sept. 29 and Oct. 13.

Oct. 2–4. Manchouli again attacked.

Oct. 10. German proposal for exchange of prisoners accepted by China but not by Soviet.

Oct. 14. Lahassasu captured by Soviet forces.

Nov. 17. Manchouli and Jalai Nor occupied by Soviet forces.

Nov. 21. Negotiations opened by Mr. Tsai. Preliminary Russian terms accepted by Chang Hsüeh-liang on Nov. 26.

Nov. 27. Russians occupied Hailar.

Nov. 29. M. Litvinov rejected proposal of Nanking Government for mutual withdrawal of forces and arbitration and proposed direct negotiations.

Dec. 1–3. Negotiations between Mr. Tsai and M. Simanovsky at Nikolsk, resulting in provisional agreement. (Text: *D.I.A. 1929.*)

Dec. 2. Governments of United States, France, Great Britain, and Italy addressed memoranda to Russian and Chinese Governments drawing their attention to provisions of Pact of Paris. Several other signatories of Pact made similar communications subsequently. Dec. 3, Soviet Government replied, rejecting outside interference in dispute. Dec. 4, Nanking Government sent conciliatory reply. (Texts of British and American notes and Chinese and Russian replies in *D.I.A. 1929.*)

Dec. 16. Sino-Russian negotiations resumed at Khabarovsk. Dec. 22,

China: cont.

protocol signed providing for restoration of *status quo ante* in Manchuria and for opening of conference in January 1930 for settlement of all outstanding questions. (Text: *D.I.A. 1929.*)

Conferences, International

1929, Jan. 5. Pan-American Conference on Conciliation and Arbitration, which opened at Washington on Dec. 10, 1928, closed; multilateral treaties on arbitration and conciliation signed by 20 states.

March 11–14. Conference of Institutions for the Scientific Study of International Relations held in London.

April 9–20. Conference on Counterfeiting Currency held at Geneva. Convention and protocol signed by 23 countries on April 20 and by China on April 24.

April 16–May 31. International Conference on the Safety of Life at Sea held in London. Convention signed on May 31.

May 30–June 2. Twelfth session of International Labour Conference.

June 10–14. Conference on Transit Cards for Emigrants held at Geneva. An agreement signed by 11 states on June 14.

July 1–27. Red Cross Conference held at Geneva. July 27, Two Conventions signed regarding (i) revision of the Red Cross Convention of 1906; (ii) prisoners of war.

July 24. Sixteenth Zionist Congress opened at Zurich.

Aug. 26–8. Fifth conference of European Minorities held at Geneva.

Oct. 10–26. Thirteenth (maritime) session of the International Labour Conference.

Oct. 27–Nov. 8. Third Conference of the Institute of Pacific Relations held at Kyoto.

Nov. 6. International Conference on the Treatment of Foreigners opened at Paris.

Nov. 25–29. Conference on the International Transport of Newspapers held at Geneva.

Dec. 5. Third International Conference for the Abolition of Import and Export Restrictions opened in Paris to consider the putting into force of the Convention of 1928.

Czechoslovakia

1929, Jan. 15. Mixed Hungarian-Czechoslovak Arbitral Court met at The Hague to settle question as to its competence in matters concerning Czechoslovak land reform.

June 8. Treaty of friendship, conciliation, and arbitration signed with Greece.

July 9. Treaty of arbitration and conciliation with Estonia signed.

Sept. 9. Arbitration treaty with Norway signed.

Sept. 14. Treaty of arbitration and conciliation with Netherlands signed.

Sept. 20. Treaty of arbitration and conciliation with Switzerland signed.

Oct. 2. Arbitration treaty with Finland signed.

Nov. 2. Agreement concluded with Senate of Free City of Hamburg

Czechoslovakia: cont.

for lease to Czechoslovakia for 99 years of strip of land on Elbe for use as port, in accordance with Articles 363–4 of Versailles Treaty.

See also under *Little Entente*; *Outlawry of War*, Jan. 17; *Permanent Court*, Sept. 9–24.

Danube

1929, March 20. At meeting of special committee appointed by League Organization on Communications and Transit, agreement reached between France, Great Britain, Italy, and Rumania regarding powers of European Danube Commission over Braila-Galatz section of river.

Denmark

1929, Oct. 3. Disarmament Bill, providing for conversion of army and navy into constabulary force and state marine, demolition of fortifications, abolition of conscription, &c., introduced into Folketing.

Dominican Republic

1929, Jan. 21. Treaty signed with Haiti fixing frontier between the two countries. Ratifications exchanged on April 29. On March 15 and April 19 notes regarding treaty exchanged between Haiti and Venezuela.

Feb. 20. Treaty of friendship, peace, and arbitration concluded with Haiti.

Egypt

1929, March 8–May 11. Dr. Afifi, Egyptian Minister for Foreign Affairs, visited England and had conversations with Foreign Office.

March 17. Agreement signed with Great Britain regarding Ottoman Loan of 1855 and other financial questions. (Text: *L.N.T.S.* xc.)

May 3. Mixed Court of Appeal decided that jurisdiction of Mixed Courts extended to subjects of all non-capitulatory Powers except Turkey and 'succession states' of Ottoman Empire.

May 7. Nile Waters agreement signed with Great Britain. (Text: *Cmd.* 3348.)

May 30. King Fu'ād left Egypt for tour of European capitals.

June 18. Muhammad Pasha Mahmūd, Egyptian Prime Minister, arrived in London. Conversations with Foreign Office opened shortly afterwards.

July 20. King Fu'ād arrived in London.

July 23. Lord Lloyd, British High Commissioner for Egypt and Sudan, resigned. Resignation announced on July 24 and was subject of debate in House of Commons on July 26. Sir Percy Loraine appointed High Commissioner on Aug. 7.

Aug. 3. Notes exchanged between Mahmūd Pasha and British Foreign Secretary recording provisional agreement on terms of draft treaty. (Text of notes and draft treaty: *Cmd.* 3376.)

Aug. 6. King Fu'ād and Mahmūd Pasha left for Egypt, arriving on

Egypt: cont.

Aug. 23. On Aug. 24, Mahmūd Pasha opened campaign in support of draft treaty in public speech at Cairo, appealing for dispassionate consideration of proposals.

Aug. 27. Treaties of arbitration and conciliation signed with United States.

Oct. 2. Mahmūd Pasha resigned Premiership in hope of facilitating acceptance of draft treaty with Great Britain. Oct. 4, Cabinet formed by ʿAdlī Pasha.

Oct. 31. King Fu'ād issued proclamation ending suspension of Parliamentary régime imposed by royal decree of July 19, 1928.

Dec. 21. General election held, resulting in Wafd victory. Dec. 31, ʿAdlī Pasha resigned.

See also under *Chile*, July 5; *Syria*, Oct. 25.

Estonia

1929, May 17. Commercial treaty with U.S.S.R. signed. Ratifications exchanged on Sept. 4. Came into force on Sept. 19. (*L.N.T.S.* xciv.)

Aug. 27. Arbitration treaty with United States signed.

See also under *Baltic States*, Dec. 7–8; *Czechoslovakia*, July 9; *Outlawry of War*, Feb. 9.

Finland. See under *Czechoslovakia*, Oct. 12.

France

1929, March 21. Mixed Franco-Italian Commission, headed by Monsieur de Beaumarchais (French Ambassador in Rome) and Signor de Michelis, began discussion of outstanding questions.

March 27. Bills authorizing certain religious missions to have their base of operations in France passed Chamber.

May 10. Treaty of friendship and arbitration with Persia signed. (Text: *D.I.A. 1929*; *E.N.* 31.8.29.)

July 10. Treaty of friendship and arbitration with Spain signed.

July 12. Permanent Court of International Justice gave judgements in cases regarding repayment in gold or paper currencies of pre-War Brazilian and Serbian loans contracted in France, referred to it in accordance with Franco-Brazilian and Franco-Jugoslav agreements of Aug. 27, 1927, and April 19, 1928, respectively.

July 20. French Chamber approved ratification of War Debt Agreements with United States of April 29, 1926, and with Great Britain of July 12, 1926. Ratification of both agreements voted by Senate on July 26.

Aug. 19. Permanent Court decided that Treaty of Versailles did not abrogate former treaties regarding Savoy Free Zones and, therefore, did not suppress zones, but left it to France and Switzerland to agree on new régime. Court recommended two Governments to come to agreement before May 1, 1930. Franco-Swiss negotiations began on Dec. 9.

Nov. 21. Franco-German negotiations regarding Saar began in Paris. Adjourned on Dec. 19 till Jan. 1930.

France: cont.

See also under *China* (*b*), April 27, Sept. 5, Nov. 9; (*c*), May 8, Dec. 9; (*e*), July 18, Dec. 2; *Danube*; *Germany*, Aug. 6, Oct. 5, Nov. 30; *Naval Disarmament*; *Outlawry of War*, Jan. 17; *Permanent Court*, Sept. 9–24; *Reparations*; *Syria*.

Germany

1929, Jan. 24. Treaty of conciliation with U.S.S.R. signed. (Text: *D.I.A. 1929.*)

Feb. 17. Conventions of friendship, commerce, and establishment with Persia signed. (Text: *E.N.* 31.8.29.)

May 16. Arbitration treaty with Turkey signed.

Aug. 4. Agreement signed with Conference of Ambassadors regarding railway and constructional works in Rhineland. (Text: *Temps* 19.12.29.)

Aug. 6. Conference on Reparations and Evacuation of Rhineland opened at The Hague; financial and political questions dealt with by separate committees. (See also under *Reparations.*) Aug. 29, report of Political Committee adopted (Text: *T.* 30.8.29); notes addressed to Herr Stresemann by Belgian, French, and British representatives setting out measures to be taken in connexion with evacuation of Rhineland. Aug. 30, agreement effected by exchange of notes between Belgian, French, British, and German representatives for evacuation of Rhineland within certain time-limits; agreement signed by Belgian, British, French, German, and Italian representatives providing for submission of difficulties arising in Rhineland to Arbitration Commissions established by Locarno Agreements. (Texts: *Cmd.* 3417; *D.I.A. 1929.*)

Sept. 11. Arbitration and conciliation treaty with Luxembourg signed.

Sept. 14. Withdrawal of British troops from Rhineland began; completed on Dec. 13.

Sept. 29. Application submitted to German Government for referendum on Young Plan. Oct. 16–29, preliminary voting took place on proposal to submit 'Bill against the enslavement of the German People' to referendum, resulting in sufficient votes to make referendum necessary. Nov. 30, Bill defeated in Reichstag. Dec. 22, referendum held; Bill rejected.

Oct. 3. Death of Herr Stresemann.

Oct. 5. Agreement providing for amnesty in Rhineland signed with Belgium and France.

Oct. 31. Treaty signed with Poland providing for cessation of liquidation of property and renunciation of financial claims. (Text: *D.I.A. 1929.*)

Nov. 30. Evacuation of Second (Coblenz) Zone of Rhineland by French and Belgian troops completed.

See also under *Arabia*, April 26; *Belgium*, July 13; *China* (*a*), Jan. 1; (*e*), Aug. 28, Oct. 10; *France*, Nov. 21; *Outlawry of War*, Jan. 17; *Permanent Court*, May 25; *Reparations*.

Great Britain. See under *Afghanistan*; *Arabia*, May 9; *Bulgaria*, Nov. 1;

Great Britain: cont.

China (*a*), Jan. 10, March 5, June 20, Oct. 31, Nov. 9; (*b*), April 27, Sept. 5, Dec. 20; (*c*), *passim*; (*e*), July 18, Dec. 2; *Danube*; *Egypt*; *France*, July 20; *Germany*, Aug. 6, Sept. 14; *'Irāq*; *Naval Disarmament*; *Netherlands*, March 22; *Outlawry of War*, Jan. 17; *Palestine*; *Permanent Court*, Sept. 9–24; *Persia*, Jan. 5; *Reparations*; *Russia*, July 17.

Greece

1929, March 17. Six protocols signed with Jugoslavia regarding conditions in Salonika Free Zone. Came into force on April 16.

March 27. Pact of friendship, conciliation, and judicial settlement signed with Jugoslavia. (Text: *D.I.A. 1929.*)

May 17. Neutral members of Graeco-Turkish Mixed Commission for Exchange of Populations made proposals which were accepted by Greece on May 21. July 20, negotiations broke down over question of return to Constantinople of Greeks provided with passports issued by Imperial Ottoman authorities. July 28, Greek proposal to refer this question to Permanent Court rejected by Turkey. Aug. 8, Turkey offered to accept decision of neutral members of Mixed Commission. Aug. 22, Greece proposed that all pending questions should be submitted to arbitration. Sept. 21, Turkey refused to submit all questions to arbitration. Oct. 19, work of Mixed Commission suspended.

June 11. Treaty of commerce and navigation with Russia signed. Came into force on June 25.

See also under *Belgium*, June 25; *Bulgaria*, May 25; *China* (*a*), Sept. 30; *Czechoslovakia*, June 8; *Permanent Court*, Sept. 9–24.

Haiti

1929, Dec. 4–10. U.S. citizens in Haiti attacked on Dec. 4 and 5; on Dec. 6, fighting between U.S. marines and Haitians at Aux Cayes; on Dec. 7, U.S. reinforcements sent and women and children evacuated. Announced on Dec. 10 that order had been restored.

Dec. 16. Petitions dispatched by several Haitian organizations asking for U.S. supervision of forthcoming Presidential elections.

See also under *Dominican Republic*.

Hungary

1929, Jan. 5. Treaty of neutrality, conciliation, and arbitration with Turkey signed. Ratifications exchanged Dec. 8.

Jan. 18. Negotiations between Hungary and Rumania on optants question, which opened at Abbazia on Dec. 15, 1928, resumed at San Remo after adjournment for Christmas. Conference again adjourned at end of Feb. and resumed at Vienna on April 5, when discussions turned on amount of Rumanian compensation and method of payment. June 22, negotiations broke down. Aug. 27, Hungarian Government, after exchange of notes with Rumania, informed League of Nations of break-down of negotiations. Sept. 19, Mr. A. Henderson (Rapporteur) presented report to Council of

Hungary: cont.

League on optants question; Hungary and Rumania agreed to resume direct discussions under Mr. Henderson's guidance. Sept. 26, Committee on Eastern European Reparations appointed by Hague Conference (see under *Reparations*) met in Paris. Hungarian delegation opposed view of Little Entente and other states that settlement of optants dispute must precede general reparations settlement. Nov. 3, Committee reported inability to come to agreement owing to Hungarian attitude.

Jan. 26. Treaties of arbitration and conciliation signed with United States. Ratifications exchanged July 24. (Text: *A.J.I.L.* Oct. 1929.)

June 10. Treaty of friendship, conciliation, and arbitration with Spain signed. (Text: M. 3e Serie, xxii.)

June 11. Little Entente formally protested against speech made by Count Bethlen on May 26.

July 21. Notes exchanged with Jugoslavia on April 20, May 16, and July 21 regarding prolongation until July 26, 1930, of period allowed for transfer of residence under Treaty of Trianon. (Text: *L.N.T.S.* lxxxviii.)

See also under *Bulgaria*, July 22, Nov. 29; *Czechoslovakia*, Jan. 15; *Reparations*.

India. See under *Outlawry of War*, Jan. 17; *Permanent Court*, Sept. 9–24.

'Irāq

1929, March 9. League Council approved in principle British proposal for abolition of Anglo-'Irāqī judicial convention of March 25, 1924, whereby nationals of certain Powers which enjoyed capitulatory rights under Ottoman régime were granted special privileges.

April 25. 'Irāq recognized by Persia.

Aug. 11. Provisional agreement of friendship, commerce, and establishment concluded with Persia. (Text: *O.M.* Sept. 1929.)

Sept. 19. Announced at Baghdad that British Government had notified 'Irāqī Government of their intention not to proceed with Anglo-'Irāqī agreement of Dec. 14, 1927, and to recommend 'Irāq unconditionally for membership of League in 1932. Nov. 4, League Secretariat formally notified of British Government's decision. Nov. 6–8, reasons for decision explained to Mandates Commission by British Government's accredited representative. Nov. 21, memorandum by Secretary of State for Colonies on British policy in 'Irāq published. (Text: *Cmd.* 3440.)

Irish Free State. See under *Outlawry of War*, Jan. 17; *Permanent Court*, Sept. 9–24.

Italy

1929, Jan. 27. Italo-Jugoslav treaty of friendship of Jan. 27, 1924, expired.

Feb. 11. Political treaty settling 'Roman Question', concordat, and financial convention signed with Vatican. (Texts: *E.N.* 29.6.29.)

Italy: cont.

Ratifications exchanged on June 7; came into force same day. June 10, Fundamental Law of City of Vatican came into force. June 25, Italian Ambassador to Vatican presented credentials. July 5, Papal Nuncio presented credentials at the Quirinal. July 25, Pope made first formal appearance outside Vatican. Dec. 6, King and Queen of Italy visited the Pope. Dec. 20, Pope crossed frontier from Vatican State into Italian territory.

June 13. Rebel chiefs in Cyrenaica surrendered to Italian authorities.

June 17. Arbitration treaty with Norway signed.

Sept. 5. Treaty of friendship with Persia signed. (Text: *O.M.* Oct. 1929.)

Oct. 16. Treaty of friendship, commerce, and navigation with Panama signed.

See also under *China* (*e*), Dec. 2; *Danube*; *France*, March 21; *Naval Disarmament*; *Outlawry of War*, Jan. 17; *Permanent Court*, Sept. 9–24; *Reparations*.

Japan

1929, March 30. Provisional agreement of commerce and establishment concluded with Persia by exchange of notes.

June 27. Emperor signed Pact for Renunciation of War of Aug. 27, 1928. June 28, Government issued statement explaining that words 'in the names of their respective peoples' in Art. 1 of Pact did not affect Imperial prerogative. Japanese ratification deposited at Washington on July 24.

See also under *China* (*a*), Jan. 9, March 28, April 16, April 24, May 2, Dec. 19; (*e*), July 18; *Naval Disarmament*; *Outlawry of War*, Jan. 17; *Reparations*.

Jugoslavia

1929, Jan. 21. Treaties of arbitration and conciliation with United States signed. Ratifications exchanged on June 22. (Text: *A.J.I.L.* Oct. 1929.)

Jan. 6. Royal Proclamation issued dissolving Skupstina, abrogating 'Vidovdan Constitution', and vesting all power in hands of King. New Government appointed under General Živkovič as Premier; members of Cabinet to be directly responsible to King.

Oct. 3. Decree for political reorganization of state issued. Official title of state changed from 'Kingdom of Serbs, Croats, and Slovenes' to 'Jugoslavia'; nine Banats created, in place of 35 administrative districts set up under Vidovdan Constitution.

See also under *Bulgaria*, Feb. 6, July 24, Sept. 24; *France*, July 12; *Greece*, March 17, March 27; *Hungary*, July 21; *Italy*, Jan. 27; *Little Entente*.

Latvia

1929, Jan. 15. Treaty of friendship signed with Persia.

See also under *Baltic States*; *Outlawry of War*, Feb. 9; *Permanent Court*, Sept. 9–24.

League of Nations

1929, March 4–9. Fifty-fourth session of the Council. Minorities question discussed; Committee of Three appointed to report to next session.

April 15–May 6. Sixth session of Preparatory Commission for Disarmament Conference held; Russian draft convention considered and not adopted; various articles of convention discussed by Commission in April 1927 passed second reading.

April 29–May 4. Committee of Three on Minorities met in London.

May 6–11. Third session of Preparatory Committee for Conference on Codification of International Law; final texts and draft regulations for Conference drawn up.

May 6–13. Second session of Economic Consultative Committee.

June 6–8. Council met in Committee at Madrid to discuss report of Committee of Three on Minorities; further meeting of Council in Committee held on June 11.

June 10–15. Fifty-fifth session of Council. June 13, resolution adopted amending procedure for application of Minorities Treaties.

Aug. 30–Sept. 6. Fifty-sixth session of Council.

Sept. 2–25. Tenth session of Assembly. Sept. 23, resolutions adopted on economic and financial questions, including one regarding tariff truce. Sept. 24, resolution adopted (i) on traffic in drugs, recognizing principle of limitation of manufacture; (ii) on armaments, making it possible for certain questions to be reopened in Preparatory Commission and referring back to Finance Committee and Committee on Arbitration and Security draft convention on Financial Assistance; (iii) recommending appointment of Committee to consider amendments to Covenant in connexion with 'Kellogg Pact'.

Sept. 13–25. Fifty-seventh session of Council.

Oct. 24–Nov. 1. Thirtieth session of Economic Committee; draft Tariff Truce Convention drawn up.

Nov. 9–Dec. 14. Mission from League Health Organization visited Shanghai.

See also under *Austria*, May 23; *China* (*a*), Sept. 10; *'Irāq*, March 9, Sept. 19; *Lithuania*, March 23, July 11; *Palestine*, Nov. 22; *Permanent Court*.

Lithuania

1929, March 23. Sub-committee appointed by League Organization for Communications and Transit to consider means of improving situation as regards communications between Lithuania and Poland met at Geneva; two special committees appointed to collect information and to consider effect of existing international agreements. Dec. 14, sub-committee held second session and drew up recommendations based on reports of special committees.

July 11. Lithuania protested to League against alleged Polish aggression; denied by Poland in note to League of Aug. 2.

Sept. 19. M. Voldemaras resigned office as Prime Minister. Sept. 23, new Government formed by M. Tubelis.

See also under *Baltic States*; *Outlawry of War*, Feb. 9.

Little Entente

1929, Feb. 19–21. Preliminary conference of economic experts held at Bucharest, to prepare way for closer economic co-operation between the three states.

May 20–22. Conference of Foreign Ministers held at Belgrade; economic and cultural co-operation, minorities, reparations, &c., discussed.

May 21. General act of conciliation, arbitration, and judicial settlement, with protocol prolonging existing treaty of alliance for five years, signed by representatives of three states at Belgrade. (Text: *D.I.A. 1929.*) Ratifications exchanged on Nov. 16.

See also under *Hungary*, June 11.

Luxembourg

1929, April 6. Arbitration and conciliation treaties signed with United States.

Sept. 16. Treaty of arbitration, conciliation, and judicial settlement signed with Switzerland.

Sept. 17. Arbitration treaty signed with the Netherlands.

See also under *Germany*, Sept. 11.

Mexico

1929, March 3. Rebellion broke out. March 5, President Hoover announced that embargo on shipment of arms and munitions from U.S. to Mexico would be maintained. Revolt practically ended by Government victory on April 3; all rebel leaders had fled or surrendered by beginning of May.

June 21. President Portes Gil announced that agreement had been reached with Vatican settling dispute regarding position of Catholic Church in Mexico.

July 18. United States Government raised arms embargo.

Aug. 17. Convention signed with U.S. prolonging till Aug. 17, 1931, Special Claims Commission set up by convention of Sept. 11, 1923. Ratifications exchanged Oct. 29. (Text: *U.S.T.S.* 801.)

Sept. 2. Convention signed with U.S. prolonging till Aug. 30, 1931, General Claims Commission set up by convention of Sept. 8, 1923. Ratifications exchanged Oct. 10. (Text: *U.S.T.S.* 802.)

Dec. 5. Diplomatic relations resumed with Portugal.

See also under *China* (*b*), Nov. 12.

Naval Disarmament

1929, April 22. Mr. Gibson, U.S. delegate on Preparatory Commission for Disarmament Conference, made new proposals for naval disarmament during Commission's sixth session at Geneva. (Extracts: *D.I.A. 1929.*)

June 16. First conversations between General Dawes and Mr. MacDonald. June 18, speech by General Dawes outlining procedure for naval conference.

Sept. 3. Mr. MacDonald announced in League Assembly that

Naval Disarmament: cont.

agreement was in sight with U.S., but only in preparation for Five-Power Conference.

Oct. 5–7. Conversations between Mr. Hoover and Mr. MacDonald. Oct. 9, joint statement issued. (Text: *D.I.A. 1929.*)

Oct. 7. Invitations to Five-Power Naval Conference in London issued. (Text: *D.I.A. 1929.*) United States accepted on Oct. 10; Italy on Oct. 15; France and Japan on Oct. 16.

Oct. 17. Italian Government suggested to French Government that Franco-Italian conversations should be held in preparation for Conference. Nov. 19, conversations opened in Paris. Dec. 4, French memorandum delivered. Dec. 21, Italian reply.

Nov. 11. Mr. Hoover, in Armistice Day speech, suggested that, in time of war, food ships should be on the same footing as hospital ships. (Extracts: *D.I.A. 1929.*)

Dec. 20. French Government sent memorandum to British Government explaining French attitude to Conference. (Text: *D.I.A. 1929.*)

Netherlands

1929, Feb. 27. Convention concluded with United States prolonging arbitration treaty of May 2, 1908. Ratifications exchanged April 25. (Text: *L.N.T.S.* lxxxviii.)

March 22. Notes exchanged with Great Britain regarding compensation for war damage to Dutch fisheries. (Text: *Cmd.* 3311.)

See also under *Belgium*, Feb. 24, June 15; *China* (*b*), April 27, Sept. 5, Nov. 9; (*c*), May 8 *seqq.*; *Czechoslovakia*, Sept. 14; *Luxembourg*, Sept. 17.

New Zealand. See under *Outlawry of War*, Jan. 17; *Permanent Court*, Sept. 9–24.

Nicaragua

1929, Jan. 7. Over 1,000 U.S. marines recalled.

June 18. U.S. Government appointed Interoceanic Canal Board to investigate proposed canal route across Nicaragua.

June 29. General Sandino, the rebel leader, arrived in Vera Cruz from Nicaragua.

July 23. 1,200 U.S. marines recalled.

See also under *Permanent Court*, Sept. 9–24.

Norway

1929, Feb. 20. Arbitration treaty with United States signed. Ratifications exchanged June 7. (Text: *L.N.T.S.* xci.)

May 8. Jan Mayen Island occupied.

Dec. 9. Arbitration treaty with Poland signed.

See also under *China* (*b*), April 27, Sept. 5; (*c*), May 8, Dec. 9; *Czechoslovakia*, Sept. 9; *Italy*, June 17.

Outlawry of War

1929, Jan. 17. Pact of Paris for Renunciation of War, signed on Aug. 27, 1928, ratified by United States. March 2, ratifications deposited

Outlawry of War: cont.

by Australia, Canada, Czechoslovakia, Germany, Great Britain, India, Irish Free State, Italy, New Zealand, and South Africa. March 25, ratification deposited by Poland. March 27, ratification deposited by Belgium. April 22, ratification deposited by France. July 24, ratification deposited by Japan; Pact came into force between 15 original signatories and 32 other states which had completed accession.

Feb. 9. 'Litvinov Protocol' for putting into force Pact of Paris of Aug. 27, 1928, signed by Estonia, Latvia, Poland, Rumania, and U.S.S.R. Ratifications deposited by U.S.S.R. and Latvia on March 5; by Estonia on March 15; and by Poland and Rumania on March 30. Accession of Lithuania took effect on April 1, that of Danzig on April 30, that of Turkey on July 3, and that of Persia on July 4.

See also under *China* (*e*), Aug. 21, Dec. 2.

Palestine

1929, Aug. 16. Disturbances between Muslims and Jews at Wailing Wall. Aug. 23, riots began in Jerusalem, spreading in the next few days to Hebron, Telaviv, Jaffa, Haifa, and other towns and villages. By Sept. 2, the country was reported to be quiet.

Sept. 3. British Government announced that special Commission of Inquiry would proceed to Palestine.

Oct. 23. Commission of Inquiry arrived in Palestine; held sittings from Oct. 24 to Dec. 29. (Text of report: *Cmd.* 3530.)

Nov. 22. British representative asked for opinion of Permanent Mandates Commission on proposal for investigation and settlement of Wailing Wall dispute by Mixed Commission; Mandates Commission declined to support this proposal as not in accordance with Art. 14 of Palestine Mandate.

See also under *Syria*, Oct. 25.

Panama. See under *Italy*, Oct. 16.

Paraguay. See under Bolivia, Jan. 3.

Permanent Court of International Justice

1929, Feb. 19. U.S. Government sent circular note to states members of the Court, stating willingness to accede if formula could be found to cover fifth of Senate's reservations of Jan. 27, 1926.

March 9. Committee of Jurists, appointed by League Council in December 1928 to consider amendments to statute of Court, asked by Council to deal also with question of adherence of United States. March 11–19, Committee met at Geneva and adopted two reports, on amendments to Statute and on accession of United States.

May 13–July 12. Sixteenth (extraordinary) session of Court held. May 25, orders made declaring proceedings terminated in regard to the case between Belgium and China and that between Germany and Poland over Chorzow Factory (Indemnities). July 12,

Permanent Court of International Justice: cont.

judgements given in cases regarding Serbian and Brazilian pre-war loans floated in France.

June 17–Sept. 10. Seventeenth session of Court. Aug. 19, decision given regarding Savoy Free Zones. Sept. 10, judgement given fixing jurisdiction of International Commission of Oder.

Sept. 4–12. Conference for revision of Statute of Court held. Amendments to Statute adopted, together with two protocols for revision of Statute and for accession of United States.

Sept. 9–24. During League Assembly Optional Clause of Statute of Court signed by Italy (Sept. 9); Latvia (Sept. 10); Greece (Sept. 12); Irish Free State (Sept. 14); Great Britain, India, New Zealand, South Africa, France, Czechoslovakia, Peru (Sept. 19); Siam (Sept. 20); Australia, Canada (Sept. 21); Nicaragua (Sept. 24).

Sept. 14. Assembly adopted and opened for signature two protocols (i) for revision of Statute; (ii) for accession of United States.

Dec. 9. U.S. representative signed protocol of signature of Statute of Court; protocol for accession of United States; and protocol for revision of Statute.

Persia

1929, Jan. 5. Persian Government protested to British Government regarding passport regulations affecting Persian subjects visiting Bahrayn and reasserted their claim to the island. Feb. 18, British Government replied, denying any valid grounds for Persian claim to Bahrayn.

Feb. 7. Majlis passed Bill abolishing slavery.

March 10. Customs agreement with Russia signed. Came into force March 24. (Text: *E.N.* 31.8.29.)

April 10. Frontier delimitation treaty with Turkey signed.

May 10. Treaty of establishment, commerce, and navigation concluded with Sweden. (Text: *E.N.* 31.8.29.)

See also under *Arabia*, Aug. 24; *Belgium*, May 23; *France*, May 10; *Germany*, Feb. 17; *ʿIrāq*, April 25, Aug. 11; *Italy*, Sept. 5; *Japan*, March 30; *Latvia*, Jan. 15; *Outlawry of War*, Feb. 9.

Peru. See under *Bolivia*, May 18; *Chile*, June 3; *Permanent Court*, Sept. 9–24.

Poland

1929, Sept. 4. General protocol and economic and technical agreements with Rumania signed. Other Polish-Rumanian conventions signed before end of year included arbitration agreement (Oct. 24); (Text: M. 3e serie, xxii) two railway agreements (Oct. 30); frontier traffic agreement (Dec. 7); consular convention (Dec. 17); judicial assistance convention (Dec. 24).

See also under *Bulgaria*, Dec. 31; *Chile*, Oct. 19; *China* (*a*), Sept. 18; *Germany*, Oct. 31; *Norway*, Dec. 9; *Outlawry of War*; *Permanent Court*, May 25.

Portugal

1929, March 1. Arbitration treaty with United States signed. Ratifications exchanged Oct. 31. (Text: *U.S.T.S.* 803.)

Reparations

1929, Jan. 9. German Government appointed experts to discuss revision of Dawes Reparations Plan with experts of creditor Powers. Jan. 10, Reparation Commission formally appointed experts nominated by Belgium, France, Great Britain, Italy, and Japan. Jan. 19, Reparation Commission appointed American experts.

Feb. 11. Committee of Experts held first formal meeting in Paris, under chairmanship of Mr. Owen D. Young.

June 7. 'Young Report' signed. (Text: *Cmd.* 3343.)

Aug. 6–31. Conference on Reparations and Evacuation of Rhineland held at The Hague, attended by representatives of Germany and Powers interested in German reparations (see also under *Germany*, Aug. 6). Aug. 31, final protocol signed, recording acceptance in principle of Young Plan and agreement on distribution of unconditional portion of annuities and appointing committees to prepare detailed recommendations on various points for submission to Conference at second session. Four annexes attached to protocol regarding (i) finance; (ii) deliveries in kind; (iii) transitional period before ratification of Young Plan; (iv) costs of Rhineland occupation. (Text of protocol and annex (i): *D.I.A. 1929.*)

Sept. 16. Three committees set up by Hague Conference to deal with (i) financial liquidation of the War; (ii) reparations in kind; (iii) ceded property, liberation debts, and Eastern European reparations began work in Paris.

Oct. 3. Organization Committee of Bank for International Settlements held opening meeting at Baden-Baden. Nov. 13, Trustee Agreement and Statutes and Charter of Bank signed.

Nov. 3. Committee on Eastern European reparations reported inability to reach agreement owing to attitude of Hungarian delegation on optants question. Nov. 28, three committees reported to President of Hague Conference.

Dec. 5. Dr. Schacht, President of Reichsbank, issued memorandum on Young Plan. (Text: *D.I.A. 1929.*)

Dec. 10. Committee of Jurists met at Brussels to draft texts for second Hague Conference.

See also under *Bulgaria*, Nov. 1; *Germany*, Aug. 6, Sept. 29.

Rumania

1929, March 21. Arbitration and conciliation treaties with United States signed. Ratifications exchanged July 22. (Text: *A.J.I.L.* Oct. 1929.)

June 11. Convention of establishment and commerce with Turkey signed.

Oct. 7. Death of Dr. Buzdugan. Succeeded on Council of Regency by Dr. Sarazeano.

See also under *Bulgaria*, Nov. 29; *Danube*; *Hungary*, Jan. 18; *Little Entente*; *Outlawry of War*; *Poland*, Sept. 4.

Russia (U.S.S.R.)

1929, July 17. British Government informed Soviet Government, through Norwegian Minister at Moscow, of their willingness to resume normal diplomatic relations, and invited Soviet representative to London for preliminary discussion on procedure. Soviet Government replied on July 23. M. Dovgalevski, Soviet delegate, had first conversation with British Foreign Secretary on July 29, and proposed immediate exchange of Ambassadors and subsequent conference to discuss outstanding questions. Conversations suspended on July 31, with delivery of note from Commissariat of Foreign Affairs. Sept. 10–12, notes exchanged regarding resumption of discussions on procedure. Sept. 24, conversations resumed at Foreign Office. Sept. 27, announced that agreement had been reached on list of subjects to be settled by negotiation after restoration of full diplomatic relations. Protocol embodying above agreement and reaffirming pledge against propaganda signed on Oct. 3 (Text: *E.N.* 7.12.29; *D.I.A. 1929*); approved by Council of Peoples' Commissars on Oct. 11 and by House of Commons, at Westminster, on Nov. 5. Ambassadors were appointed on Nov. 7; Sir Esmond Ovey arrived in Moscow and M. Sokolnikov in London on Dec. 12. On Dec. 20–21, notes exchanged regarding mutual abstinence from hostile acts. (Text of Soviet note of Dec. 20: *D.I.A. 1929.*)

Dec. 17. Treaty of neutrality and friendship with Turkey of Dec. 17, 1926, renewed for two years. Protocol added binding either party not to conclude any political agreement with a third Power without consent of other party. (Text: *O.M.* Jan. 1930.)

See also under *Arabia*, June 25; *Canada*, Dec. 20; *China* (*e*); *Estonia*, May 17; *Germany*, Jan. 24; *Greece*, June 11; *Outlawry of War*, Feb. 9; *Persia*, March 10.

Saar. See under *France*, Nov. 21.

Siam. See under *Permanent Court*, Sept. 9–24.

South Africa. See under *Outlawry of War*, Jan. 17; *Permanent Court*, Sept. 9–24.

Spain

1929, Jan. 29. Artillery revolt at Ciudad Real; suppressed same day.

Jan. 30, Señor Sanchez Guerra arrested at Valencia.

July 5. Terms of draft for new Constitution made public.

Oct. 25. Señor Sanchez Guerra tried before Court Martial for complicity in revolt of Jan. 1929 and found not guilty.

See also under *France*, July 10; *Hungary*, July 10.

Sweden. See under *Persia*, May 10.

Switzerland. See under *Czechoslovakia*, Sept. 20; *France*, Aug. 19; *Luxembourg*, Sept. 16.

Syria

1929, Feb. 7. High Commissioner adjourned the Legislative Assembly *sine die* owing to its refusal to incorporate in the Constitution an article safeguarding Mandatory Power's international obligations.

Syria: cont.

June 22. Agreements regarding Syro-Turkish relations signed at Angora by France and Turkey: (i) protocol providing for frontier delimitation between Nisibin and the Tigris; (ii) joint declaration regarding frontier security and railway traffic; (iii) joint declaration providing for negotiations regarding property of Syrians in Turkey and Turks in Syria; (iv) exchange of notes regarding Mersina-Tarsus-Adana Railway. June 29, protocol signed regarding frontier supervision and régime in frontier districts. (Texts: *E.N.* 24.8.29; *O.M.* Aug. 1929: of protocol of June 29, *D.I.A. 1929.*)

Oct. 25. Congress of Syrian nationalists, convened by Sultanu'l-Atrash and attended by delegates from Syria, Egypt, Palestine, and Transjordan, opened at Nabk.

Oct. 10–Nov. 30. Syro-Turkish Frontier Commission held meetings at Aleppo and decided on measures for maintaining order on frontier in accordance with protocol of June 29.

Transjordan. See under *Syria*, Oct. 25.

Turkey

1929, Jan. 4. Treaty of friendship signed with Uruguay.

See also under *Arabia*, Aug. 3; *Bulgaria*, March 6; *Germany*, May 16; *Greece*, May 17; *Hungary*, Jan. 5; *Outlawry of War*, Feb. 9; *Persia*, April 10; *Rumania*, June 11; *Russia*, Dec. 17; *Syria*, June 22, Oct. 10.

United States of America

1929, March 4. Mr. Hoover inaugurated as President.

July 1. 'National Origins' Clause of Immigration Act of 1924 came into effect by Proclamation.

See also under *Belgium*, March 20; *Bulgaria*, Jan. 21; *Canada*, March 22; *China* (*b*), April 27; (*c*), May 8, Dec. 9; (*e*), July 18, Dec. 2; *Egypt*, Aug. 27; *Estonia*, Aug. 27; *France*, July 20; *Haiti*; *Hungary*, Jan. 26; *Jugoslavia*, Jan. 21; *Luxembourg*, April 6; *Mexico*, March 3, Aug. 17, Sept. 2, Dec. 5; *Naval Disarmament*; *Netherlands*, Feb. 27; *Nicaragua*; *Norway*, Feb. 20; *Outlawry of War*, Jan. 17; *Permanent Court*, Feb. 19, March 9, Sept. 4–12, Sept. 14, Dec. 9: *Portugal*, March 1; *Rumania*, March 21.

Uruguay. See under *Turkey*, Jan. 4.

Vatican. See under *Italy*, Feb. 11.

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